

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES AREA—Part 4

HEARINGS BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES EIGHTY-THIRD CONGRESS FIRST SESSION

APRIL 7 AND 8, 1953

Printed for the use of the Committee on Un-American Activities

INCLUDING INDEX



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COMMITTEE ON UN-AMERICAN ACTIVITIES

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The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 83D CONGRESS

House Resolution 5, January 3, 1953

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

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(a) Un-American Activities.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES AREA--Part 4

TUESDAY, APRIL 7, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.

PUBLIC HEARINGS

The Committee on Un-American Activities met, pursuant to call, at 9:40 a. m., in room 518, Federal Building, Hon. Donald L. Jackson (acting chairman) presiding.

Committee members present: Representative Donald L. Jackson (acting chairman) and Clyde Doyle.

Staff members present: Frank S. Tavenner, Jr., counsel; Thomas W. Beale, Sr., chief clerk; and William A. Wheeler, investigator.

Mr. JACKSON. The committee will be in order.

By virtue of the authority vested in the House Committee on Un-American Activities, the chairman of the committee, the Honorable Harold H. Velde, has appointed a subcommittee of two members, Mr. Doyle and myself, for the purpose of taking further testimony today and tomorrow.

The audience is reminded again that no expression of approval or disapproval will be countenanced. Any demonstration will result in the clearing of the hearing room.

Under the procedure agreed upon last week, there will be neither television nor radio broadcasts of the present sessions, although the press is present to give the fullest possible coverage to the hearings.

Who is your first witness, Mr. Counsel?

Mr. TAVENNER. Before calling the first witness, Mr. Velde, the chairman, has suggested that several documents be read into the record.

Mr. JACKSON. All right.

Mr. TAVENNER. This is a telegram to the chairman of the committee from Mr. Robert Sloane, of 6 Lynn Road, Port Washington, Long Island, N. Y., which reads as follows:

In order to correct a confusion of identities which has arisen from the testimony given your committee by Harold Hecht in Los Angeles on March 24, I am wiring to inform you that the name Robert Sloane which was mentioned in Hecht's testimony does not refer to the undersigned, who is, in fact, an ardent anti-Communist and a leading participant in the anti-Communist movements in the Radio Writers' Guild and the American Federation of Television and Radio Artists. The confusion arose from the fact that there appear to be two Robert Sloanes. Hecht has advised me that he has telegraphed your committee in Los Angeles to the effect that the Robert Sloane he referred to in his testimony was a former worker in the Federal theater project with which Hecht was associated at the time. Since I at no time have worked for the Federal theater project and since I have never known Mr. Hecht, it is of the utmost importance

to set the records straight. Under separate cover, I am mailing you a sworn statement that I am not a Communist, never have been, and have never been connected with any pro-Communist or subversive organization.

I may add, Mr. Chairman, that a telegram was received from Mr. Hecht, as indicated in this telegram. Then, since the receipt of the telegram, the chairman has received an affidavit of Mr. Robert Sloane, which is as follows:

CITY, COUNTY, AND STATE OF NEW YORK, ss:

Robert Sloane being duly sworn, disposes and says: I am a citizen of the United States and reside at 6 Lynn Road, Port Washington, Long Island, N. Y.

I am not now nor ever have been a Communist or a member of the Communist Party; nor have I ever been a member of any procommunist or subversive organization.

I am a member of the Radio Writers' Guild and the American Federation of Television and Radio Artists, in which organizations I am an active participant in the anti-Communist movements.

I have never been allied, associated or connected with the Federal theater project.

I do not know a person named Harold Hecht.

This affidavit is made for the purpose of distinguishing deponent from a person of similar name who was mentioned by Harold Hecht in testimony given March 24, 1953, at Los Angeles, Calif., before the House Committee on Un-American Activities.

ROBERT SLOANE.

Sworn to before me this 2d of April 1953.

NATHANIEL CARMEN. With the notarial seal attached.

Harry Steinmetz is the first witness I desire to call.

TESTIMONY OF HARRY C. STEINMETZ, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY

Mr. JACKSON. Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. STEINMETZ. Yes.

Mr. JACKSON. Be seated, please.

Mr. TAVENNER. What is your name, please, sir?

Dr. STEINMETZ. My name is Harry C. Steinmetz.

Mr. TAVENNER. Are you accompanied by counsel?

Dr. STEINMETZ. I am.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. KENNY. Robert W. Kenny.

Mr. TAVENNER. When and where were you born?

Dr. STEINMETZ. I was born in Seattle, Wash., in December 1898.

Mr. TAVENNER. What is your profession?

Dr. STEINMETZ. My profession is that of teacher and psychologist.

Mr. TAVENNER. Where do you now reside?

Dr. STEINMETZ. San Diego, Calif.

Mr. TAVENNER. Will you please state briefly for the committee what your formal education has been?

Dr. STEINMETZ. I was graduated from Copiz Provincial High School in the Philippine Islands, where my parents were Baptist medical missionaries.

I subsequently have attended McManville College in Oregon, since named Linfield, Oreg., State Normal School, the University of Washington. I also attended the University of the Philippines, Stanford

University, University of California in Berkeley where I received my bachelor's degree in English in 1924.

The University of Southern California where I received my master's degree in educational psychology in 1927. And Purdue University where I received my doctor of philosophy degree in applied psychology.

I have also attended other schools and had postdoctoral training in psychotherapy.

Mr. TAVENNER. What has been your field in the teaching profession, Dr. Steinmetz?

Dr. STEINMETZ. My field has been psychology, although where I am employed now, I began the instruction of philosophy and was for a time director of the extension division in psychology. The last 8 or 10 years has been clinical.

Mr. TAVENNER. Where are you now employed as a teacher?

Dr. STEINMETZ. San Diego State College during the last 23 years, except for 14 months at Purdue University and summer sessions at San Francisco State College, the University of Cincinnati, New York University.

I have also been employed in private practice briefly in various capacities. If you want my employment—

Mr. TAVENNER. What do you mean by private practice?

Dr. STEINMETZ. I mean either, for example, as consultant in personnel research methods for the United States Naval Training Station in San Diego. That was a long time ago.

Mr. TAVENNER. About when was that?

Dr. STEINMETZ. About 1931.

Mr. TAVENNER. For how long a period of time were you such consultant?

Dr. STEINMETZ. Very part-time work. I have also advised employers and in personnel methods. I have written on the subject. I have made some little income during the years as a journalist and as a writer of books and articles.

Mr. TAVENNER. Dr. Steinmetz, have you been a member of the American Federation of Teachers at any time during your professional career?

Dr. STEINMETZ. Yes, Mr. Tavenner, I have been.

Mr. TAVENNER. When did you become a member of that organization?

Dr. STEINMETZ. I think it was about 1935.

Mr. TAVENNER. What local group or union did you become a member of?

Dr. STEINMETZ. The San Diego local. I forget the number of it now, really—320, I think, or something like that. I was national vice president of the American Federation of Teachers for 2 years, 1936 to 1938.

Mr. TAVENNER. Have you held any other positions on a national level in the American Federation of Teachers?

Dr. STEINMETZ. Not that I recall.

Mr. TAVENNER. Did you hold at any time a position on the State level in that organization, that is, American Federation of Teachers?

(At this point Mr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. That was a long time ago, Mr. Tavenner. If you have a specific office in mind, it might refresh my memory if you would ask me about it.

Mr. TAVENNER. I only asked you to give us the benefit of your best recollection.

Dr. STEINMETZ. Really, I believe that I was—I believe that I was vice president once. It was not a functional office. I don't remember. That was about 16 years ago.

Mr. TAVENNER. How long ago was it?

Dr. STEINMETZ. About that, 15 years maybe. I don't know.

Mr. TAVENNER. And that would be about 1938 then.

Dr. STEINMETZ. I would presume it would be about then.

Mr. TAVENNER. Did you also hold at any time a position in your local union, that is, the one you referred to as, I believe, 320?

Dr. STEINMETZ. Yes, I did. I held several positions. I haven't had any occasion to review those lately. I didn't know you were going to pursue this line of questioning. I didn't have the benefit of previous rehearsal, as some of your witnesses have had.

Mr. DOYLE. Did you ask for it?

Dr. STEINMETZ. I am proud to say that I did not.

Mr. DOYLE. All right.

Mr. TAVENNER. I understand the difficulty, of course, in arriving at definite dates, and I only ask you to be as accurate as your recollection may be on the matter.

Are you considering the question that I asked?

Let me repeat the question: What positions did you hold on the local level in your union, that is, local 320, fixing the date as nearly as you can?

Dr. STEINMETZ. I believe that the first position I held was that of delegate from the union to the Central Trades and Labor Council. Subsequently I believe that I was president of it. I don't know whether I went through the intermediate stages of vice president, but I believe I did.

Mr. TAVENNER. Well, can you fix the date when you were a delegate from your union to the Central Trades and Labor Council?

Dr. STEINMETZ. Approximately, yes, 1935.

Mr. TAVENNER. And did you occupy the position of delegate on more than one occasion?

Dr. STEINMETZ. Yes, I believe that I did. My duties took me out of the community to some extent, and I think that I was there as a delegate to the Central Trades and Labor Council occasionally as opportunity presented and the will of the members was indicated. I don't remember how many times.

Mr. TAVENNER. Over what period of time did you occupy that position?

Dr. STEINMETZ. Oh, from 1935 to, I would think to 1937. I would not want to stand on that. That is to the best of my memory. It was sometime during 1937, but I did not review any notes for this purpose, and I could provide you the dates, perhaps, if I had an opportunity.

One comes here to face allegations with no warning with regard to what the inquiry may be about.

Mr. TAVENNER. This is an inquiry as to the facts, and if there is any fact that is not clear within your recollection, of course every oppor-

tunity will be given you to refresh your recollection and to be more accurate if you feel you should.

Dr. STEINMETZ. Yes.

Mr. TAVENNER. Now, you stated that, after having served as a delegate from your union to the Central Trades and Labor Council, you thought you had been vice president of local 320, if I understood you correctly.

Dr. STEINMETZ. I believe so.

Mr. TAVENNER. Well, over what period of time were you vice president of your local union?

Dr. STEINMETZ. I cannot tell you. I really don't remember.

Mr. TAVENNER. Were you vice president at a period later than 1938?

Dr. STEINMETZ. Will you try to make that specific so that it would give me some clue, because really I don't remember. I don't think so.

Mr. TAVENNER. According to your best recollection, you were not vice president after 1938?

Dr. STEINMETZ. No, sir, that is correct. I could have been sometime during 1938. I don't remember.

Mr. TAVENNER. All right.

Dr. STEINMETZ. I thought you were sooner going to come to the \$64 question.

Mr. TAVENNER. Well, would you like me to ask you that question now?

Dr. STEINMETZ. You have information along these lines, I presume.

Mr. JACKSON. That will be developed, Dr. Steinmetz, in the course of the questioning.

Mr. TAVENNER. How long were you active in local 320 of the American Federation of Teachers?

Dr. STEINMETZ. Will you define the word "active" for me, because—

Mr. TAVENNER. All right, let us begin this way: How long were you a member of that local union, No. 320?

Dr. STEINMETZ. It was organized not through my initiative, but I became a member after about a dozen charter members had secured that charter in 1935. I think that I was a dues-paying member until it suspended, and to the best of my recollection, that would be in, oh, well, late in 1938 or 1939. I am not sure.

Mr. TAVENNER. The local union was disbanded in 1938 or 1939?

Dr. STEINMETZ. I believe it did suspend in 1938 or 1939.

Mr. TAVENNER. Was it succeeded at that time by any other local—

Dr. STEINMETZ. Not to my knowledge, Mr. Tavenner.

Mr. TAVENNER. Of the American Federation of Teachers?

Dr. STEINMETZ. No, sir; not to my knowledge.

Mr. TAVENNER. Were you a member of any branch of the American Federation of Teachers after 1939?

Dr. STEINMETZ. I don't believe so. This is a very stupid way of ascertaining facts. Excuse me. If you had informed me in advance what I might review for you, I could have brought in specific dates. This sort of an—

Mr. DOYLE. Just a minute, Professor.

Dr. STEINMETZ. I am speaking accurately—

Mr. DOYLE. I, for one member of the committee, don't intend to have you sit here and call our counsel stupid.

Dr. STEINMETZ. I did not.

Mr. DOYLE. You said this is a stupid way to ask a question. He is asking you intelligent questions. I don't think it is cricket for you to sit there and say it is a stupid way of doing it.

Dr. STEINMETZ. I don't think it is cricket for you to get the questions—

Mr. DOYLE. You said it was a stupid way to ascertain the facts. I think our counsel is quite an able lawyer and quite experienced.

Dr. STEINMETZ. I think he is very good.

Mr. DOYLE. I think you might withdraw your allegation that he was stupid.

Dr. STEINMETZ. I didn't say that.

Mr. JACKSON. Doctor, the counsel will proceed in his own way and put his questions as he sees fit. It would be appreciated if you would cooperate, at least to the extent of not engaging in personalities.

Dr. STEINMETZ. I don't mean to. I apologize if I did, but I don't think the record will show I did.

Mr. JACKSON. Very well.

Mr. TAVENNER. Dr. Steinmetz, evidence introduced before the Committee on Un-American Activities on the general interest and plan of the Communist Party, regarding the teaching profession, has shown that the literature of the Communist Party, or, rather, according to the literature of the Communist Party, there have been certain objectives in mind, general objectives in mind by the Communist Party.

According to volume XXIII of Lenin it was shown that there should be a broad teachers' trade union embracing vast numbers of teachers, and the type of union was described by Lenin as a union "which will resolutely take up its stand on the Soviet platform and the struggle for socialism by means of a dictatorship of the proletariat."

William Z. Foster, from his book *Toward Soviet America*, printed in 1932, stated that the obsolete methods of teaching would have to be superseded by a scientific pedagogy.

And then we find a member of the educational commission of the Young Communist League, Richard Frank, who went into the question in more detail. According to Mr. Frank, there were three major things which apparently stood out in the functioning of the Communist Party in this field.

First, it was considered the task of the Communist Party to arouse teachers to class consciousness. Second, to organize them in the unions. And third, that the teachers themselves must take advantage of their position without exposing themselves, to give their students, to the best of their ability, a working-class education.

Now, those objectives of the Communist Party may have been general throughout the United States. They may have been augmented in various areas of the country. It is our purpose to determine as nearly as we can to what extent those purposes were being sponsored in this particular community. And as the Teachers' Union seems to be the focal point of the Communist Party intentions, and as it has been shown by your testimony here, you had vast experience in the American Federation of Teachers, I want to ask you first a general question:

To what extent did you, sir, if at all, know that the Communist Party was interested in the accomplishment of any of the objectives that I mentioned?

Dr. STEINMETZ. To what years do you refer, Mr. Tavenner?

Mr. TAVENNER. During any period in which you were a member of the American Federation of Teachers.

Dr. STEINMETZ. The matter you quoted was of what year?

Mr. TAVENNER. The article of Mr. Richard Frank, in the Communist of May 1937.

Dr. STEINMETZ. You are quoting Lenin as of what year?

Mr. TAVENNER. And that was a year or two prior to the termination of your union local 320.

Dr. STEINMETZ. Mr. Tavenner, the question is very provocative, very general, and I am not sure I know what you mean to ask me. Will you repeat the question with regard to all that?

Mr. TAVENNER. Let me see if I can make the question more simple. What knowledge, if any, did you have of Communist Party activities within the American Federation of Teachers while you were a member of the American Federation of Teachers?

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. I would like to know to whom you refer and what activities you refer to and why you ask me that question.

Have I been named before this committee?

Mr. TAVENNER. Mr. Chairman, I request that the witness be directed to answer the question.

Mr. JACKSON. Yes; I believe the question is entirely in line with the objectives of the committee and the purposes of this hearing.

Therefore, I direct the witness to answer the question, as to whether or not in his knowledge there was any Communist activity in the subject union.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. Mr. Chairman, the question is too broad for me to feel capable of answering it.

Mr. TAVENNER. Let me see if I can still simplify it for the witness.

Do you know of your own knowledge of any effort made by the Communist Party to influence the activities or the policies of the American Federation of Teachers?

Dr. STEINMETZ. Is this a question of belief, reading, observation, report, or direct experience?

Mr. TAVENNER. Well, the question of knowledge, I take it, is the result of a number of things.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. Will you please direct my attention to something specific, Mr. Tavenner, please?

Mr. DOYLE. May I, Mr. Chairman—

Mr. JACKSON. Mr. Doyle.

Mr. DOYLE. Assuming you don't know the content of Public Law 601, perhaps it is basic and will help you to understand what this committee is trying to ascertain under Public Law 601 of the 79th Congress.

The Committee on Un-American Activities, as a whole or by a subcommittee, is authorized to make from time to time investigations of the extent, character, and objects of the un-American propaganda activities in the United States, the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin or attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

I just assume from your broad scholarly training, you are perfectly familiar with Public Law 601. If you hadn't been, I thought it was only fair to call your attention to the fact that this committee is, therefore, here expressly under a law of your Congress of the United States. Every question which our counsel asks you and we ask you we hope will be founded actually in line with this especial assignment by the Congress of the United States.

I hope that helps you to get more of the background. I don't know whether you figure this is the \$64 question or not. You apparently some time ago figured there will be one. I don't know.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

MR. DOYLE. I don't know what you refer to as the \$64 question. I thought it was worth more than that.

DR. STEINMETZ. Mr. Chairman, the only preparation that a witness can undertake, who has not been approached in advance, is research into his legal rights and his constitutional rights. I think that it has made a much better citizen of me, this research, and I decline to answer this question and all others pertaining to my beliefs in legal associations.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

MR. JACKSON. There is a pending question, is there not?

MR. TAVENNER. Yes.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

MR. JACKSON. I believe the question upon which the Chair directed an answer was whether or not you had any personal knowledge of any Communist activities in the teachers' federation.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

DR. STEINMETZ. Mr. Chairman, I am advised that the question is not sufficiently specific to give me or to require of me a specific answer.

MR. JACKSON. The question appears to me to be one which any man of intelligence—certainly you are that, Doctor—would be able to answer, whether or not you know of any Communist activities in the teachers' federation. It is to me a very plain question—

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

MR. JACKSON. And one which could be very easily answered "yes" or "no."

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

DR. STEINMETZ. You think I can answer "Yes" or "No," without any specific activities to answer them with regard to?

MR. JACKSON. My personal feeling would be yes. However, I am not inclined to belabor the point. I directed an answer to it. That is the situation at the moment.

DR. STEINMETZ. Mr. Chairman, I would like to ask, please, that the counsel formulate a more specific question.

MR. TAVENNER. I fail to see how a more direct question could be asked you than to ask you if you know of your own personal knowledge of any Communist Party—

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

MR. TAVENNER.—effort to influence the policy or the activities of the American Federation of Teachers.

DR. STEINMETZ. Mr. Counsel, this is 1953. It has been 13 or 14 years since I was active in the American Federation of Teachers. I honestly would not feel competent, having been interested in many

things since, to be able to answer you a general question that would distinguish observations from readings, from claims and so on.

Mr. TAVENNER. Then your statement is that at this time you do not know? Is that what the statement is you are intending to convey, or the meaning you are intending to convey?

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. Yes, that I do not know in general, until my question is directed to a specific thing, I feel unable to answer.

Mr. TAVENNER. Did you at any time meet with a group of members of the Communist Party relative to the affairs of the American Federation of Teachers?

Dr. STEINMETZ. Where and when?

Mr. TAVENNER. At any time.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Mr. TAVENNER. And at any place.

Dr. STEINMETZ. What persons, Mr. Tavenner?

Mr. TAVENNER. Any persons known to you to be members of the Communist Party.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. In what year?

Mr. TAVENNER. Any year.

Dr. STEINMETZ. Alone or with others or under what circumstances?

Mr. TAVENNER. Well, when I asked the question as to whether you met with members of the Communist Party, it would naturally mean there would have to be other persons present.

Dr. STEINMETZ. Somebody is coaching me back here [indicating].

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. I find the question still too general, Mr. Tavenner.

Mr. JACKSON. The chair does not consider the question general in any way. It considers it quite a proper inquiry and goes directly to the heart of this investigative matter and so directs the witness to answer.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. I decline to answer.

Mr. JACKSON. Upon what ground does the witness decline?

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. Because it is too general. It seems to me, and it seems so to my counsel.

Mr. JACKSON. It does not seem so to the committee, and I believe I can speak for Mr. Doyle. I am sure it does not seem so to counsel.

Mr. DOYLE. I would say this: My impression is, Professor, that it might be too general for a person who hadn't had elementary school training, but you, with your vast scholarly training and degrees from 5 or 6 universities, I, as a member of the committee wish to say that I concur with my chairman.

Dr. STEINMETZ. Mr. Doyle, your comment is beneath my notice.

Mr. DOYLE. I don't want to observe it, then. It is not intended to be beneath your observance, I am sure.

Mr. TAVENNER. Dr. Steinmetz, were you a member of the Communist Party during any period of time you were a member of the American Federation of Teachers?

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. I believe, Mr. Counsel, that this is the first time that I have heard or heard of this question being propounded to a witness who has not been named, without evidence accompanying it.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. So I ask you if I have been named.

Mr. JACKSON. The simplest way for you to dispose of the question, if you have not been a member of the Communist Party, is to so state at this time. That will clear the atmosphere and will prove false any information or allegations which have come to the attention of this committee. It will solve the entire matter very quickly.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. I would like to know what you mean by "being a Communist." Is it with regard to dues, membership, and so forth?

Mr. TAVENNER. Well, let me ask you first, were you a dues-paying member of the Communist Party at any time during the period when you were a member of the American Federation of Teachers?

Dr. STEINMETZ. Mr. Counsel, one comes here to face allegations without warning. I want you to please be specific and tell me what I am charged with.

Mr. JACKSON. Let us make it clear. You are not being charged with anything. You are being questioned along pertinent lines in an investigation of Communist Party infiltration in the field of American education. These questions are all directed to that point and to the dissemination of propaganda within education.

Dr. STEINMETZ. If there is any criticism of my record with regard to that, I should like very much to hear it and to be able to present contrary evidence of my impartiality and my loyalty to this State and to public education and its principles.

Mr. JACKSON. If the witness will deny that he has been a member of the Communist Party, it will go quite a long way toward assuring his loyalty.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. The question assumes a conclusion with regard to fact and requires, I believe, support by reference to dues and associations and such facts of evidence, and I ask for those, please, before answering the question.

Mr. JACKSON. The witness may ask for them, but the Chair is not constrained to grant the request. The information upon which this committee has proceeded in your case is considered to be adequate and ample, and you are simply required to answer the questions that are put to you or to say "Yes" or "No" or decline to answer. It is a very simple matter as far as the Chair is concerned.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Mr. TAVENNER. Mr. Chairman, may I put the question again?

Mr. JACKSON. Very well.

Mr. TAVENNER. My question to the witness is, was he ever a member of the Communist Party during the period of time when he was a member of the American Federation of Teachers.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. Mr. Counsel, I think my case is most unusual before this committee since I have not been named—

Mr. JACKSON. To your knowledge.

Dr. STEINMETZ. To my knowledge.

Mr. DOYLE. But you have been subpoenaed to come here and testify under oath. You are an American citizen and as a committee of your Congress we are under express law to carry on these hearings. We are asking you a question that is pertinent in view of the law under which we operate, and I observe you came here well prepared. You have 8 or 10 cards, closely typewritten, in front of you. The cards are about 5 inches by 6 or 7 inches long, typewritten, and in some cases on both sides. You have come well prepared, Professor, very manifestly, and if you want to help your United States Congress and this legitimate investigation, why don't you cooperate?

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. I think, Mr. Chairman, that I have a right to ask why I am singled out for this strange procedure.

Mr. JACKSON. You are not singled out for what you term this strange procedure or for any other procedure. You have been subpoenaed to appear here and answer some questions which we consider pertinent to the work of the Congress and of this committee, and I might suggest that I am constrained very shortly to dismiss the witness in light of his continued refusal to answer questions.

Dr. STEINMETZ. Excuse me just a minute.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. I would like to ask if under this or the preceding Congress any witness has ever been called who has not been named. I think you owe me that. You know what you are doing or trying to do to me. I think I have a right to ask that.

Mr. DOYLE. We are not trying to do anything to you, Professor.

Dr. STEINMETZ. You are trying to rape the Bill of Rights.

Mr. DOYLE. We are not at all, and I wish to say very emphatically and vigorously that you are no more concerned with the protecting of the Bill of Rights than the rest of us. We are at least equally interested.

Dr. STEINMETZ. Yes, Mr. Doyle, those would be destroyed.

Mr. DOYLE. No, no; but you are here under subpoena and you are under oath, and very personally and frankly may I say to you—

Dr. STEINMETZ. I don't care for your personal remarks.

Mr. DOYLE. Then as a member of this committee I wish to say that I think you are deliberately being evasive. You are not undertaking to cooperate with this committee and give the United States Congress the benefit of your wide experience in the field in which we are currently investigating.

Dr. STEINMETZ. Mr. Doyle, I think that is an evasive approach on the part of this committee to my status.

Mr. DOYLE. We have asked as to your status, whether or not you were ever a member of the Communist Party within a certain period. That is very definite. Why don't you answer it?

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. Mr. Chairman, I think that I have very clearly, more clearly than any other witness that I have heard or heard about being called in here to testify. If anybody was ever put up here and asked to do that, I am now asked to do that. I don't believe anybody else has testified against me.

Mr. DOYLE. Do you have any reason for declining to state whether or not you are a member of the Communist Party? Why would that

hurt you? Why would it hurt you to tell the truth frankly and help the United States Congress in looking into the field of education for the extent to which subversive propaganda and activities went on within the union when you were a member of it, or when you were vice president of it?

Dr. STEINMETZ. All right, Mr. Chairman, I decline to answer all inquiries regarding my past and present political beliefs and associations for a very serious legal and profound ethical reason. And in giving them I assure you that I will be remarkably brief for a college professor.

Mr. JACKSON. We would appreciate it.

Dr. STEINMETZ. Both you and I are tax consumers, and I am always conscious of that.

Mr. JACKSON. We can save that.

Dr. STEINMETZ. Thank you. My first reason, Mr. Counsel, is that this procedure constitutes an invasion of the traditional function of the Government without recognition of the separation of the powers specified in the Constitution.

You inadequately satisfy legal procedure for trial and abort due process while threatening legal and economic sanctions.

In *United States v. Lovett*, 1946, the United States Supreme Court observed:

When our Constitution and Bill of Rights were written, our ancestors had ample reason to know that legislative trials and punishments were too dangerous to liberty to exist in the nation of freemen they envisaged.

And my ancestors began leaving Europe in 1690 to get away from this sort of thing.

A committee member referred to the chairman in terms of "Your Honor," and in many ways you simulate the judicial procedure. You treat witnesses differently as if what you seem intent upon finding or proving had already been found or proved.

As I said, you have rehearsed with some and not with others, as if you were prosecuting attorneys. I refer you to article III of the Constitution and to the fifth amendment, but not to that part which pertains to self-incrimination.

My second reason for declining to answer you is that I have observed your questions always lead around to the deceptively simple one. This is deceptively simple because it faces an unfriendly witness, or one who is made unfriendly or notified that he will be treated unfriendly by your approach in advance, or nonapproach in advance. This faces him with impossible alternatives.

I should like to refer you to the ruling of Judge John D. Martin, United States Circuit Judge in Memphis, Tenn. This was just last year. I can give you the reference. It is *AIUPPA v. United States* (6 C. C. A. 1952), and I quote:

We are unable to give judicial sanction, in the teeth of the fifth amendment, to the employment by a committee of the United States Senate of methods of examination of witnesses constituting a triple threat: Answer truly and you have given evidence leading to your conviction for violation of Federal laws; answer falsely and you will be found guilty of criminal contempt and punished by fine and imprisonment. In our humble judgment, to place a person not even on trial for a specified crime in such a predicament is not only not a manifestation of fair play, but it is in direct violation of the fifth amendment to our national Constitution.

I would like to add one thing; that to answer either yes or no is to acknowledge the authority of the current Congressman over my legal associations, an authority which I honestly believe right now, regardless of all politics, constitutionally is invalid, currently unnecessary, historically most dangerous, and ethically very bad.

Now, I am aware of political and bureaucratic opposition to my point of view, and a division even among my friends, but I have been and am an impartial and conscientious teacher. I am opposed to force and violence and illegalities. I have been and am unselfishly motivated in my affiliations and devoted to peace and democracy and social justice in public education, and I can do no less than try to maintain my honest views.

One of them has been that my American citizenship guarantees me great freedom in the search for knowledge.

Another has been that if all men think alike, no man thinks very much. Certainly, there is no other witness, I think, has pointed out during the current hearings, to my knowledge, that the Bill of Rights entered the United States Constitution in 1 piece of 10 interlocking and mutually entailed parts.

My comments on that grand and quaint old document will be brief. Amendments 1, 4, 5, 6, 9, and 10 may be cited in support of my refusal to cooperate in your endeavors.

Mr. TAVENNER. You say it has been cited. Do you cite it?

Dr. STEINMETZ. I do cite them. I think you have heard that quite frequently lately.

My attitude, Mr. Chairman, toward you and toward my Government is quite dependent upon my security and freedom under the Bill of Rights. Without those rights, un-American means little more than un-Alaskan or unincorporated. You know that the term un-American is legally imprecise, somewhat politically seasonal, and has been used rather freely in self-defense and counterattack by Harry Daugherty, Al Capone, and your own alumnus, J. Parnell Thomas.

I really believe that the frank thing for this committee to do, without congressional immunities, is to undertake to repeal the Bill of Rights.

Now, the sad fact is that only amendment 5 seems capable of securing one from either a contempt or perjury citation, and even if one does escape Mr. Tavenner's clever guard against one's proper use of it, I have observed that very frequently there are bullying innuendoes and social sanctions often follow. I am very aware of that.

It is a commentary upon our political economy that the first amendment, historical key to all the rest, the very foundation within our representative form of government, has been so vitiated by legislative addenda and judicial interpretations that it no longer protects the individual, whereas the fifth, strengthened by continuous use in criminal cases, is the only ground before a legislative committee upon which an individual may safely declare himself in favor of all amendments.

Rights unused are soon in jeopardy. One stands on the fifth or else he kneels without the first, without which the term "Americanism" becomes the toy of fools. The fifth amendment was designed to prevent the rise of a police state, which is what I fear that this committee is furthering.

Now, out in the hall, to a friend. I would be willing to discuss my political views and occasional activities, but here under oath and coercive public demand, I cannot compromise my self-respect by recognizing your authority—by recognizing the authority for such an inquisition.

I believe that both civil rights and property rights, too, are in jeopardy over this issue. Feeling this way, as I believe one Federal court put it, it becomes my duty to stand on the fifth amendment for to acquiesce would surrender civil liberties and make me an accomplice in the public rape of the Bill of Rights.

I would like to claim a fourth basis of security from you which is very brief. It is article XII of the Universal Declaration of Human Rights, approved by the United Nations General Assembly on December 12, 1948. It reads:

No one shall be subjected to arbitrary interference with his privacy, family, home, and correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Now, I submit that you have arbitrarily interfered with not only my privacy but my economic security and professional and personal reputation behind certain immunities.

I am aware that this morning's papers notify us that this administration will not sign that document, and I think it is most significant to the American public that it is now being reneged.

Finally, gentlemen, I decline to cooperate in aiding you to dig an ideological chasm between my country and the rest of the world which is far more menacing than any iron curtain. I am an educator and psychologist, and I have always tried to be a sincere one.

The confessions which you extract and the hate crusade, built on taboos and stereotypes which you cultivate, are menacing to education and mental hygiene, to science, art, democracy, and peace, to everything I live for.

The black silence of fear of unorthodoxy, of ideas and free discussion and organization is settling down like a gas attack upon our great public schools and universities, thwarting original work, inhibiting intellectual honesty, depressing faith and hope.

For every teacher summoned here and intimidated, a thousand are silenced, and I do not think that American youth wants or deserves faculties of "Casper Milquetoasts." My pedagogical ethics have been unimpeachable, as can be proved by any fair sampling of the 5,000 students, or 500 colleagues that I have had during the last 23 years where I am now.

I have not earned my living in private, smoke-filled rooms, but in the sunny California classrooms, and I defy any honest investigation of my record therein.

A great American Secretary of State and of War, and a hero in my family, the late Henry L. Stimson, pointedly remarked that, "The chief lesson I have learned in a long life is that the only way you can make a man trustworthy is to trust him; and the surest way to make him untrustworthy is to distrust him and to show your distrust."

Mr. TAVENNER. Mr. Chairman, this is certainly not responsive to any question I asked. This has been going on for at least 10 or 15 minutes.

Mr. JACKSON. My understanding was the witness declined to answer the question before he started on his statement; is that correct?

Dr. STEINMETZ. That is correct.

Mr. JACKSON. He made his declination and now he is giving his reasons for the declination. He will be permitted to continue.

Dr. STEINMETZ. I think this is very highly relevant, this statement of Mr. Stimson.

Mr. JACKSON. You have already read it. You may proceed.

Dr. STEINMETZ. That statement appeared in a memorandum for the President, dated September 11, 1945, on proposed action for control of atomic bombs.

As a psychologist, I commend the observation for both family and public life, as well as international relations, and so I must decline to cooperate in sowing mistrust.

Hitler built his criminal crusade upon division, upon scapegoating minorities, upon fear and hate and persecution. As I believe that Thomas Mann pointed out to this committee when he also claimed the honor of appearing as a hostile witness, political inquisition leads to legalized insecurity, and what follows is fascism and then war. Each step is rationalized by emergency that is manufactured by propaganda.

Mr. TAVENNER. Mr. Chairman, it is quite apparent that the witness is reading from a prepared statement.

Dr. STEINMETZ. I have one last line which I think is relevant.

Mr. JACKSON. I think the record should show that the witness is reading from a prepared statement.

Mr. DOYLE. It has already taken him 14 minutes to read it.

Mr. JACKSON. However, if the witness will hurry along, it would be appreciated.

Dr. STEINMETZ. I am a member of such subversive organizations as the American Association of University Professors, the Society of Sigma Xi, the Society for Social Responsibility in Science, the American Psychological Association, and the American Civil Liberties Union.

As such, I want nothing to do with your committee purposes, your procedures or your results, but I am certainly willing at any time to meet any one of you at any place for a free and public debate, on the issues between us, and I think that would be the far more American way of settling the questions than this type of approach.

Mr. TAVENNER. Mr. Chairman, it is quite apparent the witness was endeavoring to be facetious when he referred to his membership in certain "subversive organizations," such as honor societies and so on. I think that should be struck from the record.

Mr. JACKSON. It may remain in the record.

Dr. STEINMETZ. Well, I believe 2 or 3 of those that I named think this committee's ultimate effect will be subversive.

Mr. JACKSON. I might state that as far as those people are concerned and as far as your personal opinion of this committee is concerned, it does not make one whit of difference. We have listened to perorations by some who have come before us and read what appear to be editorials from the Daily Worker.

Dr. STEINMETZ. That is only your definition.

Mr. JACKSON. Let the record show that the witness, following his declination to answer the question, read an 8- or 10-page prepared statement before the committee and that his freedom of speech was not

abridged in any way; that he was permitted to continue, although I must say that some of it approached the nauseous.

Do you have any further questions of this witness?

Mr. TAVENNER. Yes. Dr. Steinmetz, did you attend as a delegate any State conventions of the American Federation of Teachers?

Dr. STEINMETZ. I probably did, Mr. Tavenner, if you would tell me the dates I can tell you more accurately.

Mr. TAVENNER. Do you recall having met a person by the name of Kinney, sometimes referred to as Jane Howe, at any of the conventions on the State level?

Dr. STEINMETZ. I do not. I heard that name here the other day. I really do not recall meeting such a person. I may have. Where was it? I don't remember.

Mr. TAVENNER. Miss Kinney, in the course of her testimony before this committee on December 22, 1952, in a sworn statement by her, had this to say. She had testified that she had been a member of the Communist Party for a period of time and had withdrawn from the Communist Party, but that she, too, had been a member of the American Federation of Teachers.

She described a fraction meeting of the Communist Party in Palo Alto previous to a State convention of the American Federation of Teachers. She was asked the question whether she remembered the individuals attending this meeting.

Her reply was that there were two teachers from Oakland whose names "I don't remember."

Dr. Holland Roberts, from Palo Alto. I think Harry Steinmetz from San Diego.

Did you ever meet Harry Steinmetz on any other occasions?

And the answer of Miss Kinney was—

I think he came to our house one time. I know he came to our house one time.

QUESTION. You are certain he was a member of the Communist Party, Mrs. Kinney?

ANSWER. Yes, he was. He was at that meeting and presumably he was or he wouldn't have been at the meeting.

Now, do you recall the meeting? Do you recall having met Mrs. Kinney after I have refreshed your recollection by that testimony?

Dr. STEINMETZ. No, Mr. Tavenner, I don't.

Mr. TAVENNER. Did you attend a fraction meeting of the Communist Party at Palo Alto prior to the State convention of the American Federation of Teachers?

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. Since it is described as a Communist Party meeting, and I have already taken my stand on the Bill of Rights, I decline to answer that question for reasons of possible self-incrimination, according to the standards of incrimination which you maintain and are trying to make a part of the American way of life.

Mr. JACKSON. That statement will be stricken from the record. This committee is not setting up any standards of self-incrimination. They are set up in the Constitution of the United States and provide against self-incrimination in a criminal matter.

You have elected to stand on the fifth amendment, which is your personal right. We didn't set it up. It was set up by men much

wiser than we and much wiser than you, for the protection of the innocent.

Dr. STEINMETZ. I would have to see Miss Kinney and examine the transcript to be able to answer this question. And with regard to the chairman's statement, I thought you were aiming to formulate legislation.

Mr. JACKSON. That is what we are doing. The Internal Security Act of 1950 was recommended in part by this committee. We have a very definite legislative goal and we shall endeavor to fulfill the goal, but as far as setting up standards of self-incrimination is concerned, I assure you, sir, we are not doing that. If you seek the protection of the fifth amendment, that is your privilege.

Dr. STEINMETZ. I do not with regard to the question before us because I don't remember anything about what you are asking.

Mr. TAVENNER. You do not remember whether you ever attended such a meeting?

Dr. STEINMETZ. No, I do not.

Mr. TAVENNER. You do not remember whether you ever attended such a meeting?

Dr. STEINMETZ. Will you repeat the question?

Mr. TAVENNER. The question was do you recall—Do you recall the question which you refused to answer?

Dr. STEINMETZ. I forgot whether it was a question about a Communist Party meeting or a union meeting.

Mr. TAVENNER. Let me ask you the question over so there will be no misunderstanding. My question was whether or not you attended a fraction meeting of the Communist Party in Palo Alto prior to the holding of a State convention of the American Federation of Teachers.

Dr. STEINMETZ. That is political and I decline to answer on the ground of the fifth amendment.

Mr. TAVENNER. Have you been a member of the Communist Party at any time since 1939?

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Dr. STEINMETZ. I decline to answer on the grounds previously stated.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. Mr. Doyle.

Mr. DOYLE. Are you a member of the Communist Party now? That question has not been asked you, Professor.

Dr. STEINMETZ. I will have to refresh myself.

Mr. DOYLE. That is all right.

Dr. STEINMETZ. (No response.)

Mr. DOYLE. I know, Doctor, you decline to answer anything in connection with your Communist Party affiliations, if you had one. I realize that. But on the other hand, I am wondering which was the \$64 question that you mentioned a half-hour ago. Has that question been asked you, or is that the question I am asking now?

Dr. STEINMETZ. (No response.)

Mr. DOYLE. Whatever the \$64 question was, you apparently came prepared to answer it and I want to give you an opportunity to answer it now.

Dr. STEINMETZ. Mr. Doyle, I decline to answer prosecutory questions for grounds previously stated.

Mr. DOYLE. Well now, may I assure you we are not engaging in prosecutory questions. Certainly, we are here under Public Law 601, which I read a part of to you.

Dr. STEINMETZ. Yes, Mr. Doyle, I have heard this.

Mr. DOYLE. I realize you have been in these hearings several days preparing for your own testimony, which is quite legitimate, and yet preparatory, so you wouldn't be caught unawares, as you say.

But I wonder if you are familiar with the declaration of your United States Congress in Public Law 831. Do you recall that, Doctor?

Dr. STEINMETZ. Yes, I recall that.

Mr. DOYLE. I thought you would. Now, I just want to remind you this is one of the public laws under which this committee is here making an investigation of subversive people or subversive activities.

I read section 2 from the 81st Congress, for the necessity for legislation:

As a result of evidence adduced before various committees of the Senate and House of Representatives, the Congress hereby finds that:

There exists a world Communist movement which, in its origins, its development, and its present practice, is a world-wide revolutionary movement whose purpose it is by treachery, deceit, infiltration into other groups (governmental and otherwise), espionage, sabotage, terrorism, and any other means deemed necessary, to establish a Communist totalitarian dictatorship in the countries throughout the world through the medium of a world-wide Communist organization.

Now, I understood you to say that you didn't intend to cooperate in any way with this committee. Didn't I so understand you to state?

Dr. STEINMETZ. Yes, because as a child I learned to identify myself with every downtrodden minority——

Mr. DOYLE. Well——

Dr. STEINMETZ. And every group I feel——

Mr. DOYLE (continuing). In spite——

Dr. STEINMETZ. Being persecuted needlessly.

Mr. DOYLE (continuing). Of the fact, Doctor, your Congress of the United States made this declaration in the subversive——

Dr. STEINMETZ. It is a declaration unproved law, by court.

Mr. DOYLE. What is it?

Dr. STEINMETZ. Has it been judicially considered?

Mr. JACKSON. There are people——

Mr. DOYLE. Of course, every law that Congress passes is not tested by the Supreme Court, but this is the Internal Security Act with which you are perfectly familiar, a paragraph thereof, which I am reading. But, anyhow, as I understand, your statement still is that you refuse to cooperate with this committee of your Congress, even in spite of this declaration of policy by the United States Congress, which is declared as I have read?

Dr. STEINMETZ. All right, Mr. Doyle. Is the Communist Party a legal party?

Mr. DOYLE. Now, let me read for your benefit, Doctor——

Dr. STEINMETZ. I don't need it, really.

Mr. DOYLE. I know.

Mr. JACKSON. You have made your record. I think maybe it is no more than fair to let Mr. Doyle make his points.

Mr. DOYLE. It is quite evident you don't feel you need any more information, I realize that.

Dr. STEINMETZ. I don't feel that way.

Mr. DOYLE. Evidently you do.

Dr. STEINMETZ. In some sources.

Mr. DOYLE. Let me read you a statement by J. Edgar Hoover of February 4, quoted from Washington:

FBI Director, J. Edgar Hoover, has told Congress the Communists are infiltrating "every field of American activity" and "enemy espionage rings" are working more intensely than before in the United States history. * * *

Concerning Red infiltration Hoover told the Congressmen that "the Communists enter into every field of activity—civil rights, youth groups, veterans' groups, press and radio and television, motion pictures, political organizations of every kind whereby they can proselyte and spread their beliefs and doctrines."

And then I want to read you, Doctor, because you are in the important field of education, what Mr. Hoover said on April 4.

Dr. STEINMETZ. In regard to which you have no criticism of me.

Mr. DOYLE. No, I think it is a great privilege to be in education.

Dr. STEINMETZ. So do I, sir.

Mr. DOYLE. And that for a life's work. I quote:

Party members, he said, were "resorting to every means possible to prevent detention."

Concerning Communists in education, Hoover said the Reds "recognize the obvious fact that he who controls the youth controls the future."

And further—

Rejecting arguments that Communists are not dangerous unless they try to influence their students, Hoover said an avowed Communist "can have no tolerance or impartiality, since he holds that his system of government and only his will endure."

And I still quote Mr. Hoover:

He lacks honesty and integrity because communism teaches that deceit and conspiratorial tactics are permissible and moral.

Hoover said, adding:

There is no room in America for Communists or Communist sympathies in our educational system. Let us not permit them to poison the receptive minds of youths with their deceptions.

Dr. STEINMETZ. Are you claiming that as relevant to me?

Mr. DOYLE (continuing reading):

If we entrust our youth, the price paid later in broken and misguided adults will have been too great. Every Communist uprooted is one more assurance that it will not degenerate into a medium of propaganda for Marxism.

I read that because Mr. Hoover stated that in a report to Congress on April 4, 1953, as reported in the United Press.

Dr. STEINMETZ. Mr. Doyle, since you mentioned the Smith Act, may I point out that, under the Smith Act, any Communist who came here and admitted it would have his legal right to be a Communist emptied of all security, because he would have over his head a charge of conspiracy or advocating or teaching violence. Hence, by that mixed status you assure yourself of a dramatically—some witnesses who will be dramatically unfriendly. But you do not prove anything.

Mr. JACKSON. Doctor, do you agree with Mr. Hoover's premises with respect to Communists in education?

Dr. STEINMETZ. Do you disagree with Senator Taft?

Mr. JACKSON. Yes, I do.

Mr. DOYLE. So do I.

(At this point Dr. Steinmetz conferred with Mr. Kenny.)

Mr. DOYLE. Do you, Doctor, disagree—

Dr. STEINMETZ. Do you ask me what I believe? I have told you I would be glad to meet you on the public platform at any time and any place.

Mr. JACKSON. You just asked me what I believe.

Mr. DOYLE. You just asked me what I believe.

Mr. JACKSON. Freedom of speech and freedom of thought go on a two-way street but so many of you seem to forget it.

Dr. STEINMETZ. I do not agree with Mr. Hoover, Mr. Chairman, I do not agree with Mr. Hoover.

Mr. JACKSON. Very well. Do you have any further questions?

Mr. TAVENNER. No.

Mr. JACKSON. Do you have any further questions, Mr. Doyle?

Mr. DOYLE. No.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No.

Mr. JACKSON. The witness will be excused, and we will recess for 5 minutes.

(Whereupon, a recess was taken from 11:05 to 11:12 a. m.)

(At the end of the recess, at 11:12 a. m., the hearing resumed with Representatives Donald L. Jackson and Clyde Doyle present.)

Mr. JACKSON. The committee will be in order.

Who will be your next witness, Mr. Counsel?

Mr. TAVENNER. Mr. Harry Shepro.

Mr. JACKSON. Mr. Shepro, do you solemnly swear that in the testimony you are about to give, you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHEPRO. I do.

TESTIMONY OF HARRY SHEPRO, ACCOMPANIED BY HIS COUNSEL, WILLIAM B. ESTERMAN AND DANIEL G. MARSHALL

Mr. JACKSON. Be seated, please.

Mr. TAVENNER. What is your name, please, sir?

Mr. SHEPRO. My name is Harry Shepro, S-h-e-p-r-o.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. SHEPRO. Yes, I am.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall.

Mr. ESTERMAN. William B. Esterman.

Mr. TAVENNER. When and where were you born, please, sir?

Mr. SHEPRO. I was born in 1894 in the Ukraine.

Mr. TAVENNER. When did you come to this country?

Mr. SHEPRO. I came in 1903, I believe. I was about 9—

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. SHEPRO. I am a citizen by derivation.

Mr. TAVENNER. What was your father's name?

Mr. SHEPRO. Abraham Shepro; same name.

Mr. TAVENNER. You became an American citizen—

Mr. SHEPRO. By virtue of my father's American citizenship.

Mr. TAVENNER. By virtue of your father becoming an American citizen?

Mr. SHEPRO. That is right.

Mr. TAVENNER. What is your occupation?

Mr. SHEPRO. I am a teacher in the Los Angeles city schools—high schools.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has consisted of?

Mr. SHEPRO. Well, I am a graduate of Amherst College in Massachusetts. I have taken several years' work in UCLA, USC, and I hold a law degree from Metropolitan College of Law in Los Angeles.

Mr. TAVENNER. When did you complete your educational training; your formal educational training?

Mr. SHEPRO. Well, in 1919, and I received my bachelor's degree. Sometime in the twenties, in the late twenties my educational work—in the early twenties and late twenties I came out to California. I did my law work between 1929 and 1934 or 1935—1934, I think it was.

Mr. TAVENNER. Where did you practice law?

Mr. SHEPRO. I have never practiced law. I thought that would be an addition to my qualifications as a teacher.

Mr. TAVENNER. Did you become licensed to practice law?

Mr. SHEPRO. No; I didn't.

Mr. TAVENNER. How long have you taught in the Los Angeles city schools?

Mr. SHEPRO. I taught pretty close to 31 years, since 1922.

Mr. TAVENNER. Did you during any part of that time become a member of the American Federation of Teachers?

Mr. SHEPRO. Yes; I did.

Mr. TAVENNER. When did you join that organization?

Mr. SHEPRO. Well, I was a charter member and I don't recall exactly when we were chartered, but I think it was probably about 1935.

Mr. TAVENNER. What local were you a charter member of?

Mr. SHEPRO. Local 430.

Mr. TAVENNER. Do you know how many local chapters there were or groups there were of the American Federation of Teachers in the State of California?

Mr. SHEPRO. I really don't remember. I don't know. I think I did know, but it is so many years ago I just can't remember.

Mr. TAVENNER. Did you hold any official position in local 430 at any time?

Mr. SHEPRO. Yes; I was its first president.

Mr. TAVENNER. Were you president for more than one term?

Mr. SHEPRO. I think I was president about 1 year. I think I was president about 1 year.

Mr. TAVENNER. Did you hold any other position in the local, local 430, after that time?

Mr. SHEPRO. Why, I don't recall. I think—yes, I was a delegate to the Central Labor Council.

Mr. TAVENNER. When was that?

Mr. SHEPRO. Well—

(At this point Mr. Shepro conferred with Mr. Esterman.)

Mr. SHEPRO. Maybe you have some dates there you can refresh my memory with. I just don't remember exactly.

Mr. TAVENNER. Just answer the question, please, to the best of your recollection. I realize you cannot be precisely accurate.

Mr. SHEPRO. I just don't remember exactly. I would say it was somewhere between maybe 1937, perhaps, and 1940. I think so.

Mr. TAVENNER. Were you a delegate on more than one occasion?

Mr. SHEPRO. Well, I was a continuing delegate.

Mr. TAVENNER. A continuing delegate over what length of time, do you think?

(At this point Mr. Shepro conferred with Mr. Esterman.)

Mr. SHEPRO. Well, will you please repeat your last question, Mr. Tavenner?

Mr. TAVENNER. Over what period of time were you a delegate to the council that you mentioned?

Mr. SHEPRO. I really can't give you the date. It seems to me that those details could be gotten. I mean—I can't remember how long.

Mr. TAVENNER. You said you were a continuing delegate. Can you give us some idea as to how many years you were a continuing delegate?

Mr. SHEPRO. Those are details I really can't give you; I don't know. I don't remember. It may have been 2 or 3 or 4 years, I can't remember.

Mr. TAVENNER. Very well. Were you an official at any time on the State level?

Mr. SHEPRO. You mean——

Mr. TAVENNER. Of the American Federation of Teachers.

Mr. SHEPRO. Of the American Federation of Teachers?

Mr. TAVENNER. Yes.

Mr. SHEPRO. I hardly think so.

Mr. TAVENNER. Our information is in 1943 you were legislative director of the union. Was that on the local, State, or national level, Mr. Shepro?

Mr. SHEPRO. I was, I think I was a legislative director of the union, but I don't remember whether it was in 1943—if you say that is what it was, maybe I was. I was legislative director at one time of the union.

Mr. TAVENNER. Was that on a national level?

Mr. SHEPRO. No; that was on the local level.

Mr. TAVENNER. Local level?

Mr. SHEPRO. Yes. I never had a position on the national level.

Mr. TAVENNER. How long were you a member of local 430 of the American Federation of Teachers?

Mr. SHEPRO. Well, I was a member of it from its inception, and I am still a member. Of course, it is not local 430 right now.

Mr. TAVENNER. When did it cease to be local 430?

Mr. SHEPRO. I don't know whether I can give you that exact date. I have been an inactive member for many years due to illness. I just don't remember exactly when.

Mr. TAVENNER. Well, do you know whether local 430 is still affiliated with the American Federation of Teachers?

Mr. SHEPRO. No; it is not.

Mr. TAVENNER. It is not?

Mr. SHEPRO. No.

Mr. TAVENNER. Do you know when it ceased to be?

Mr. SHEPRO. I am trying—that was the question you asked me before, and I don't recall. I don't know the date, the exact date.

Mr. TAVENNER. Was it just several years ago?

Mr. SHEPRO. It probably was maybe 3 or 4 or 5 years ago. I just don't recall exactly.

Mr. JACKSON. A question at this point, Mr. Shepro: What is the function or what are the duties of the legislative director?

Mr. SHEPRO. Well, we, being a teachers' group, are naturally interested in legislation. It was up to me to receive all the bills from the legislature and to—with my committee to cull the bills, pick out those that had to do with education, to read those bills, to see whether these bills were of any interest to the teaching group in Los Angeles or in California. And to take whatever steps we could in order to further the bills or to stop their passage by contacting legislators.

Mr. JACKSON. You and your committee made appropriate recommendations, then, after study of legislation, as to what action the entire body should take with respect to any given piece of legislation?

Mr. SHEPRO. That is right, just the same as any other group does, I presume.

Mr. TAVENNER. Did you take part in any way in the negotiations which led up to the withdrawal of local 430 from the American Federation of Teachers?

(At this point Mr. Shepro conferred with Mr. Esterman and Mr. Marshall.)

Mr. TAVENNER. Or its expulsion, whichever may be correct?

Mr. SHEPRO. Mr. Tavenner, I don't know just exactly what you mean by negotiations.

Mr. TAVENNER. By what?

Mr. SHEPRO. What you mean by negotiations?

Mr. TAVENNER. Well, as we understand it, local 430 ceased to be a part or affiliated with the American Federation of Teachers several years ago.

Now I am asking you what part you played, if any, in the severance of local 430 from the American Federation of Teachers.

(At this point Mr. Shepro conferred with Mr. Esterman and Mr. Marshall.)

Mr. SHEPRO. Mr. Tavenner, I didn't participate too much in these things at that particular time, because that was several years ago and I wasn't very active—at that time wasn't active at all in the local. I had been sick and had had ill health continuously more or less.

I do remember this, that a certain board member, J. Paul Elliott, who has since been removed from office, got in contact with—I don't know whether that was collusion or what it was—with the president of the American Federation of Teachers on the national level.

It was due to that particular getting together, that contact between those two people and others perhaps, that the president came out and there was a hearing held, or something of that sort—yes, there was a hearing held, and as a result of that, local 430 was driven out of the AFT.

I do know this, that this president, whose name I don't remember now, of the American Federation of Teachers, was—that they held, he and his secretary held a meeting with the board of education at that time and prior to the meeting or the investigation that they made here.

Mr. TAVENNER. Do you recall what the basis for the kicking out of local 430 was, as you referred to it?

Mr. SHEPRO. I don't recall the exact basis. I think that—

(At this point Mr. Shepro conferred with Mr. Esterman.)

Mr. SHEPRO. I never saw a copy of the report. I think I remember seeing something in the newspaper. I don't remember exactly. But I didn't receive—

Mr. TAVENNER. What is your best recollection of the reason for the severance?

(At this point Mr. Shepro conferred with Mr. Esterman.)

Mr. TAVENNER. As a member of local 430 you certainly were aware of that.

Mr. SHEPRO. You see, I was aware of the fact, but I don't know the exact details. I don't—I haven't been to very many meetings, Mr. Tavenner, due to the fact I don't go—I don't take any active part in any organizations, and I cannot give you the exact details.

Mr. TAVENNER. Mr. Shepro, the committee has received information that there was a group of members of the American Federation of Teachers who composed a cell or group of the Communist Party. This was a group of Communist Party members within the American Federation of Teachers.

We have heard testimony as to what some of the activities of this group was. We have had that testimony before this committee. That testimony indicated that you were a member of that group of the Communist Party. Now, that testimony consisted of the testimony of the following persons:

Professor LeRoy Herndon. He testified, in naming the persons who were in the group with him in this manner: There was a high school, a junior high school in North Hollywood. I do not know the name of the high school. I believe the teacher's name was Harry Shepro.

Professor Richard Lewis also testified, after having described the activities of this group to some extent, he advised the committee that he jotted down the names of the persons that he had heard Mr. LeRoy Herndon testify to and that he could identify from his own knowledge, that the following persons were members of that group, and among them he named Harry and Ann Shepro.

The committee also heard the testimony or received the sworn statement of Anne Kinney on December 22, 1952, in which she described herself as being a member of this same group of the Communist Party, which was operating within the American Federation of Teachers, Local 430, and in the course of identifying those associated with her she named Harry Shepro, and followed it by the statement, "I think you should assume that unless I mention anything to the contrary, all of them were in the city schools."

Now, if that testimony is correct, you are in position to be of assistance to this committee by giving it additional information and adding to the sum total of the knowledge of the committee.

Now, regarding the purposes of the Communist Party in organizing the teaching profession, or organizing Communists within the teaching profession, the extent of its affiliation, and the manner in which it sought to accomplish its purposes, my first question is: Were you a member of this group as testified to by these three individuals?

(At this point Mr. Shepro conferred with Mr. Esterman and Mr. Marshall.)

Mr. TAVENNER. And by "group," I am referring, of course, to a cell of the Communist Party composed of members of the American Federation of Teachers.

(At this point Mr. Shepro conferred with Mr. Esterman and Mr. Marshall.)

Mr. SHEPRO. Mr. Tavenner, may I request that my attorney be permitted to cross-examine the witnesses that testified against me here?

Mr. JACKSON. The rules of the standing committees of the House of Representatives and the rules of this committee do not permit in an investigation cross-examination of those who have given testimony.

Mr. SHEPRO. Why not, Mr. Chairman?

Mr. JACKSON. I have not inquired into the purposes of the people who wrote the rules of the House of Representatives or of the committee. I assume if you write to them individually they will be very glad to tell you. However, the request is denied.

Mr. SHEPRO. May I request that my attorney be permitted to make a statement?

Mr. JACKSON. No, your attorneys are well aware of the fact that prepared statements by counsel or oral argument by counsel or any motion other than written motions by counsel are not permitted.

Mr. SHEPRO. Is it all right for me to make a statement?

Mr. JACKSON. I gather that you have come prepared to make a statement.

Mr. SHEPRO. Yes, I am prepared to make a statement.

Mr. JACKSON. And it is not the desire of the committee to restrict in any way your freedom of speech. However, there is a question pending which should be answered before you undertake to make any further additional statement.

Mr. SHEPRO. Mr. Tavenner, what period of time are you referring to in your question?

Mr. TAVENNER. At any time during the period when you were a member of local 430 of the American Federation of Teachers?

(At this point Mr. Shepro conferred with Mr. Esterman and Mr. Marshall.)

Mr. SHEPRO. Mr. Tavenner, in answer to this question, and all other questions like it, I shall neither answer "Yes" or "No." My answer has seven reasons, and I will be very brief.

Mr. JACKSON. The Chair will instruct the witness to answer the pending question or decline to answer the pending question, at which time the committee will be very happy to hear the reasons which the witness cares to set forth.

Mr. SHEPRO. May I continue with my answer?

Mr. JACKSON. You may give an answer, which you have not done up to the present time.

Mr. SHEPRO. I will give you an answer.

Mr. JACKSON. You will give an answer before you read any statement.

Mr. SHEPRO. I am not going to read a statement. I am just going to give some reasons.

Mr. JACKSON. Answer the question first or decline to answer it, whereupon you may give your reasons for your declination or your

answer. The committee is not going to be belabored by a long prepared statement at this point and the Chair directs that the pending question be answered.

(At this point Mr. Shepro conferred with Mr. Esterman and Mr. Marshall.)

Mr. SHEPRO. Well, first, I will not join in any arrangement—

Mr. JACKSON. Nor will you read any statement until the question has been answered.

(At this point Mr. Shepro conferred with Mr. Esterman and Mr. Marshall.)

Mr. SHEPRO. This is my answer. I am giving you my answer.

Mr. JACKSON. No. Your answer can be much more concise than that. Either say "Yes" or "No" or refuse to answer the question, whereupon we will be very happy to listen to any reasons that you may wish to present. However, the Chair must insist upon an answer to the pending question which lends itself to an answer very easily of "yes" or "no" or a declination to answer.

(At this point Mr. Shepro conferred with Mr. Esterman and Mr. Marshall.)

Mr. SHEPRO. My answer is that I claim my rights under the Bill of Rights and more particularly the following—

Mr. JACKSON. Do you decline to answer the question?

(At this point Mr. Shepro conferred with Mr. Esterman and Mr. Marshall.)

Mr. SHEPRO. Will you let me finish, please?

Mr. JACKSON. I will be very happy to let you proceed as soon as we have an answer to the question.

Mr. SHEPRO. Well, I am trying to proceed, and I have given—

Mr. JACKSON. What is your answer?

Mr. SHEPRO. I am claiming—

Mr. JACKSON. What is your answer? Do you decline to answer?

Mr. SHEPRO. I claim my rights under the Bill of Rights.

Mr. JACKSON. Your right to what?

Mr. SHEPRO. My right to answer the question in the way I think I should answer it.

Mr. JACKSON. I am very sorry, but the committee is not going to permit you to proceed with a long harangue which you have come prepared to give and which you have before you on the table, until such time as you have answered the pending question or declined to answer it.

Now, I hope I make that clear, because I intend to, for the purpose of the record, direct you to answer the pending question or to decline to answer, following which you will be given every opportunity to explain your reasons.

(At this point Mr. Shepro conferred with Mr. Esterman and Mr. Marshall.)

Mr. SHEPRO. Mr. Jackson, my lawyers tell me that I have a right to answer the question in my own way and that I will have to decline necessarily, and I am not going to offer a harangue, as you say I am.

Mr. JACKSON. It is quite obvious, at least to the Chair, that this is an effort to delay and obstruct the course of these proceedings.

Mr. Counsel, is the witness here in answer to a subpoena?

Mr. TAVENNER. He is.

Mr. JACKSON. Is there any reason why the witness should not be excused at this time?

Mr. TAVENNER. If he refuses or fails to answer the question, I see no reason.

Mr. SHEPRO. I am ready to answer the question.

Mr. JACKSON. Please answer it. For the last time, will you give a direct answer to the pending question?

Mr. SHEPRO. Yes, I am going to answer it in my way. I decline to answer—

Mr. JACKSON. You decline to answer?

Mr. SHEPRO. I decline to answer the question for the following reasons—

Mr. JACKSON. Very well. It took us a long time to get to it.

Mr. SHEPRO. I didn't want to answer it that way but you are forcing me to, Mr. Jackson.

Mr. JACKSON. I am forcing you to do nothing. Let the record show that except to ask you to give an answer to the question—

Mr. ESTERMAN. Will you put the gavel down while he is talking?

Mr. JACKSON. I am not going to throw it.

Mr. ESTERMAN. It makes us nervous, too. Perhaps I should have a gavel so I could stop you.

Mr. JACKSON. Perhaps you can bring one with you.

Mr. SHEPRO. My first reason is: I will not join any arrangement between you and Mr. Stoddard, and certain members of the board of education in destroying free education and free elections in this community.

This is definitely Federal interference in local elections and is contrary to the tenth amendment.

My second reason is this: I have been teaching boys and girls the principle of American Government and the ideals of our democracy for more than 30 years.

There has been established between me and three generations of my students, who literally number in the thousands, a relationship of confidence, trust, and friendship. To many, many of my students I have stood in loco parentis.

To answer your question would be degrading and make me seem contemptible and cowardly in their eyes.

Mr. JACKSON. Are you reading a statement, Mr. Shepro?

Mr. SHEPRO. I am not reading the statement. I am just using my notes here.

Mr. JACKSON. You are using notes and not a previously prepared statement?

Mr. ESTERMAN. Just don't answer any questions.

Mr. SHEPRO. There are some statements on here, yes, which I am reading. I am reading some of them and talking about others.

Mr. JACKSON. Very well. Proceed.

Mr. SHEPRO. To answer this question would degrade me and would make me seem contemptible and cowardly in their eyes since I have always taught that under our Constitution everyone's thought is his own and no one has the right to control another person's thought.

My second reason is that this committee does not seek subversives but aims at suppressing academic freedom. I must point out that this

inquiry is an attempt at political supervision in the field of education, and that such interference must reduce the standards of education.

If the methods of this committee succeed, we are going to raise a generation of yes men and silent dissenting opinion.

You have compelled me to come here in order to frighten me and among all teachers you have created an atmosphere of fear and uncertainty if they do not conform to your ideas.

I must insist that as a teacher of American history for more than 30 years that our greatest heritage is freedom, freedom to think and to speak, and a teacher must stand fast on that principle and must resist all attempts to stifle this heritage.

My third reason is that I stand on the first amendment which prohibits inquiry into my association with any group of people or any organization or political party as a matter of principle. And as a matter of principle, I don't have to give an accounting about such matters to this or any other body.

And in the same connection under the United States Constitution you may not extract from me any ideas or thoughts or information against my will. I am not compelled to testify against myself. This is the fifth amendment and it was designed to protect the innocent.

I must not violate my oath of office nor can I permit you to force me to violate my oath; nor will I join you in repudiating your oath of office to support and defend the Constitution.

My fifth reason is: I am an employee of the board of education, the State of California, which has seen fit to protect by statute the life of teachers and the children. The law is set out in full in what are commonly known as the tenure of protection to be found in division 7 of the Education Code, State of California.

As such an employee I have on numerous occasions taken an oath to support and defend the Constitution of the United States and California.

First, when I became a permanent teacher, and second, when I received my life diploma, and third, I took an oath before the Los Angeles Board of Education known as the reaffirmation oath of 1948.

I took also an oath in 1950 known as the Levering Act oath. And I must also name the thousands and thousands of times that I took the oath of allegiance with my children at innumerable school exercises.

This committee, therefore, has no power whatever to require from me any further oaths, declarations, or expurgations as a condition of my employment.

The ninth and tenth amendments of the Bill of Rights protects me in this.

My sixth point is the Educational Code of California, section 13230, consisting of only 5 lines, which read as follows:

Each teacher shall endeavor to impress upon the minds of the pupils the principles of morality, truth, justice, and patriotism; to teach them to avoid idleness, profanity, and falsehood. To instruct them in the principles of free government, and to train them up to a true comprehension of the rights, duties, and dignities of American citizenship.

Now, as a teacher of American government, I have taught my students that under the law Congress is forbidden to abridge or interfere with the freedom of speech, press, religion, and assembly.

Since I have in good faith and conscience done my best to give them the power and the tools to think for themselves, I would indeed be

a shabby and unconscionable teacher if I sat here and permitted you to do my thinking.

These are my reasons, and I shall incorporate them in my answer to all similar questions. That is the end of my statement, Mr. Chairman.

Mr. JACKSON. Thank you.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. Mr. Doyle.

Mr. DOYLE. I think I want to ask the professor just one question. I think you were in the room when I read the statement of J. Edgar Hoover which he made on April 4.

Mr. SHEPRO. Yes.

Mr. DOYLE. Wherein he said, on April 4:

There is no room in America for Communists or Communist sympathies in our educational system. Let us not permit them to poison the receptive minds of youth with their deceptions.

That is only a part of the quotation.

Now, we have cumulative evidence, Professor, that members of the Communist Party in the classrooms are not free to think other than along the Marxist line. In other words, there is no freedom in the mind of an active Communist or in his experience in our classrooms to think freely.

As stated by J. Edgar Hoover and others, there is no such freedom among the Communists.

I don't want to ask you if you agree with J. Edgar Hoover, in view of your statement that you wouldn't answer any questions. In other words, I don't want to get into the realm of your thinking, because contrary to what you state here, we are not interested in the realm of your thinking, as such. We are interested in getting your cooperation, if you can give it to us, on whether or not you are acquainted with any subversive activities of the Communist Party in our school system.

I am not asking you if you are a Communist, but I am asking you if you are familiar with any such activity in our public schools. If you are, unless you feel it would subject you to an infringement of your constitutional rights; I will ask you to cooperate if you feel it does not infringe on your constitutional rights. I want you to understand that.

(At this point Mr. Shepro conferred with Mr. Esterman and Mr. Marshall.)

Mr. SHEPRO. I understand the question.

(At this point Mr. Shepro conferred with Mr. Esterman and Mr. Marshall.)

Mr. SHEPRO. Mr. Doyle, my attorneys don't quite understand the question. My attorneys say they didn't quite understand the question and would you please make yourself a little bit more clear, specifically. You mentioned a good many things.

Mr. DOYLE. But I realize you understand my question, because I heard you say you did to your counsel.

Mr. ESTERMAN. Is that fair, Mr. Doyle? Is that fair to listen in to a discussion between a lawyer and his client?

Mr. DOYLE. I couldn't help but hear it. Your client talked loud enough for me and anyone nearby to hear him very plainly.

Mr. MARSHALL. I am astonished that you would do such a thing. I am astonished that you would listen in on a professional conference.

Mr. JACKSON. Professional conferences have been going on for some time, and in quite audible tones.

Mr. MARSHALL. I am shocked, Mr. Doyle, as a member of the Board, that you say you overheard that statement.

Mr. JACKSON. Will you please be in order?

Mr. DOYLE. You are shocked at many things.

Mr. MARSHALL. I have never been more shocked than by the last remark of yourself.

Mr. DOYLE. I can understand why you are shocked.

Mr. MARSHALL. And you should understand.

Mr. SHEPRO. Would you kindly repeat the most pertinent part of the question, Mr. Doyle?

Mr. DOYLE. May I state that in spite of your statement that you feel we are interfering with your constitutional privilege, I wish to say in asking this question that I do not attempt to interfere with your constitutional rights nor do I ask you what your mental processes are and how you arrive at your answers. I am asking you whether or not during your course of teaching in the Los Angeles schools, having taught these thousands of youngsters in high school, as you stated, did you become aware of any Communist Party activities in the field of education in the Los Angeles schools?

Now, if you did, are you in a position, without feeling it would infringe upon your constitutional rights, to help the committee to the extent to which you personally observed, if you did, any activities of the Communist Party in the realm of public education?

Mr. SHEPRO. Look, Mr. Doyle, you know a person doesn't teach in a school for 30 years and handle all these youngsters, and I am a very well-liked teacher——

Mr. DOYLE. I would assume you would be.

Mr. SHEPRO. I am a very well-liked teacher.

Mr. ESTERMAN. Just a minute; just a minute. Will you clear the hearing room as you promised? You said you would clear the hearing room if there was any demonstration.

Mr. JACKSON. Yes. I will repeat to the audience the admonition that was given at the beginning of the session against any demonstration, friendly or antagonistic, favorable or unfavorable.

Mr. SHEPRO. And for further clarification, not only am I a teacher but I am the head of the department, which means that there is a good deal of confidence in me.

Mr. TAVENNER. What department is that?

Mr. SHEPRO. That is the department of social studies, social studies department. Now, for 30 years I have been teaching United States history and civics, which is United States Government, and allied subjects, and I have never had any question of my loyalty.

Mr. DOYLE. I am not asking you, Professor, about your loyalty. I am asking you the frank question. I am not even asking you if you ever were or are now a Communist. I am asking you whether or not during your 30 years of fine experience as a public-school teacher in Los Angeles, Calif., you observed any activities of the Communist Party in educational fields.

Now, if you did, I assume that as an American citizen you would naturally want to cooperate with a committee of your Congress in trying to find out the extent to which the Communist Party has been active in education. I am not asking you whether or not you were a

member of a cell. I will be frank with you and tell you that I won't ask you that, but what I am asking you, sir, to do, is to cooperate with this committee and help us to know the extent to which you personally have observed, if you have observed, any activities of the Communist Party in your 30 years of teaching experience and education.

(At this point Mr. Shepro conferred with Mr. Esterman and Mr. Marshall.)

Mr. DOYLE. Now, I will be further frank with you and tell you I won't ask you whether or not you have or are now a member or ever have been a member of the Communist Party.

Mr. SHEPRO. Mr. Doyle, I have heard you read a number of times law 601.

Mr. DOYLE. Public Law 601.

Mr. SHEPRO. That is right. In which you are here trying to find out whether there is any Communist propaganda; is that right?

Mr. DOYLE. All right, or activities.

Mr. SHEPRO. Or activities.

Mr. DOYLE. That is right.

Mr. SHEPRO. Now, as far as I am concerned, I don't know about others, but as far as I am concerned, have you made your inquiries, as far as my activities in education are concerned, over the 30 years that I have been in the public schools, first of all with reference to my surroundings—have you consulted with my superiors? They would know. Have you consulted with my colleagues? Have you consulted my students?

It seems to me now that if that is what you are after, certainly you should have gone out there or summoned those people to you, and you should ask, "Now, is this man teaching things which would be un-American?"

Mr. DOYLE. Well, of course, Professor——

Mr. SHEPRO. Is that a fair question?

Mr. DOYLE. Yes. And in answering your question, I will say that we never call before this committee a person who has not been pretty thoroughly investigated by very competent men. Some of our investigators in California are former FBI men, and we don't waste your time nor the committee's time when we ask you to come before us.

Mr. SHEPRO. But you had no evidence as to whether my teaching out there has been un-American or not, have you?

Mr. DOYLE. Here is J. Edgar Hoover. He is quite an authority in any man's books, and he states that a Communist in the classroom is a hazard to America.

Now, I am quite willing to take J. Edgar Hoover's appraisal, because he is the head of our national FBI, and he tells us that Communists in the classroom have no freedom of integrity, mentally; that they can't teach freely.

Mr. SHEPRO. But, Mr. Doyle, look, J. Edgar Hoover is not a school-teacher; and, look, I have been in the schools, in 1 school for 27 years. It seems to me that if you are going to do a job on this thing, a right job, you should go out and ask the people who I am working with, "Has this man ever done anything that would make him seem disloyal?"

Mr. DOYLE. Well, I will say to you again that you are here in answer to a subpoena which was served on you after very experienced FBI

men discovered an area of knowledge on your part as to the subversive conduct of the Communist Party which our investigators believed that you could help to protect our American system of government with, if you felt inclined to cooperate with the committee.

Now, I don't care to argue further with you. I gave you a frank statement that I wouldn't ask you if you had ever been a Communist Party member. I was simply asking for your cooperation on that one thing and understand you don't care to give it.

Mr. JACKSON. If you withdraw the question.

Mr. DOYLE. Yes.

Mr. SHEPRO. I want to make a statement.

Mr. JACKSON. Mr. Doyle has withdrawn the question. There is no question pending. There is no reason why the witness should not be excused, is there?

Mr. TAVENNER. No, sir.

Mr. JACKSON. The witness is excused.

As long as there have been several long statements read into the record, I think it might be well to read into the record a statement made on April 5 by Dr. Malcolm A. Love, San Diego, State College president, who said that:

Communists are totally unfit to be professors because—

and I quote:

they are intellectual lackeys incapable of honest inquiry.

Now quoting again,

The business of a college is to turn out free and inquiring minds, not to provide Communists with captive audiences that may be influenced by Red propaganda.

And it goes on at considerable length. The committee is delighted that San Diego State has joined with Stanford University, UCLA, and the University of California in stating that a Communist has no place in a classroom.

The committee will stand adjourned until 1 o'clock.

(Thereupon, at 12 noon, the hearing was recessed, to reconvene at 1 p. m., same day.)

AFTERNOON SESSION

(At the hour of 1 p. m., of the same day, the proceedings were resumed, with Representative Donald L. Jackson being present.)

Mr. JACKSON. The committee will be in order.

Under the authority contained in Public Law 601 a subcommittee of 1 is herewith established, to hear the testimony of the succeeding witnesses and until the return of Congressman Doyle, who has been unavoidably delayed for the time being.

Who is your first witness?

Mr. TAVENNER. Rose Posell.

Mrs. POSELL. I don't see my attorney, Mr. Jackson. I wouldn't like to appear without him.

Mr. JACKSON. Who is your attorney?

Mrs. POSELL. Mr. Esterman.

Mr. JACKSON. Mr. Esterman is not here, Mr. Tavenner.

Mr. TAVENNER. Norman Byrne.

Mr. JACKSON. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BYRNE. I do.

**TESTIMONY OF NORMAN BYRNE, ACCOMPANIED BY HIS COUNSEL,
ROBERT W. KENNY**

Mr. JACKSON. Be seated, please. Are you represented by counsel, Mr. Byrne?

Mr. BYRNE. I have a counsel, sir, but he has not shown up yet.

Mr. JACKSON. Is it your desire to continue before your counsel returns?

Mr. BYRNE. Oh, I think so. Let's get on.

Mr. JACKSON. With the understanding you are entitled to have counsel with you and if at any time during the course of the proceedings you desire to confer with your counsel, I wish you would make that fact clear at that time.

Mr. BYRNE. I shall.

Mr. JACKSON. Proceed, Mr. Counsel.

Mr. TAVENNER. What is your name, please, sir?

Mr. BYRNE. Norman Byrne, B-y-r-n-e.

Mr. TAVENNER. When and where were you born, Mr. Byrne?

Mr. BYRNE. I was born in the State of Washington, 1899, 5th of February.

Mr. TAVENNER. What is your occupation?

Mr. BYRNE. I am a plumber, sir.

Mr. TAVENNER. Have you followed any other occupations?

Mr. BYRNE. Yes, sir, I have been a soldier and I have been a teacher.

Mr. TAVENNER. Will you tell the committee, please, briefly what your educational training has been, that is, your formal educational training?

Mr. BYRNE. Usual elementary and high-school training. University of Oregon for 2 degrees, and Harvard for 1. University of California for research. That is the principal—

Mr. TAVENNER. What degrees have you received?

Mr. BYRNE. I received 1 B. A. and 2 M. A.'s.

Mr. TAVENNER. In what field?

Mr. BYRNE. The field of mathematics and philosophy, and my research at California was in anthropology.

Mr. TAVENNER. When did you complete your formal educational training?

Mr. BYRNE. Approximately 1927.

Mr. TAVENNER. I understood you to say you were in the military service.

Mr. BYRNE. Yes, sir.

Mr. TAVENNER. Between what years?

Mr. BYRNE. First World War, 1917 through 1918, 13 months overseas; United States Marine Corps.

Second World War, from 1942 to 1947.

Mr. TAVENNER. Will you tell the committee, please, how you have been employed since 1935?

Mr. BYRNE. 1935 I was at Los Angeles City College, or whatever it was called at that time. I left City College, I believe in 1942. United States Army after that, until 1947.

After I came back from the wars I have, as I said, been a plumber.

Mr. TAVENNER. Will you state again, please, during what period you were in the field of education, in which you were a teacher?

Mr. BYRNE. Yes. I joined the staff at City College, I believe it was in 1929. And with the exception of 1 year, when I had a leave of absence, I was there until the fall of 1942, I believe.

Mr. TAVENNER. Were you a member of the American Federation of Teachers?

Mr. BYRNE. Yes, sir, I was.

Mr. TAVENNER. During what period of time were you a member?

Mr. BYRNE. To the best of my knowledge I joined it in 1936 and attended meetings for about a year, something like that, maybe a year and a half. After that I was merely a dues-paying member, until I went off to the wars in 1942.

Mr. TAVENNER. What local were you a member of?

Mr. BYRNE. The local here in Los Angeles. I have forgotten the number.

Mr. TAVENNER. Local 430?

Mr. BYRNE. I believe that is it, sir.

Mr. TAVENNER. Mr. Byrne, we have had testimony before the committee that there was organized in Los Angeles a cell or a unit of the Communist Party composed exclusively of members of the teaching profession. That all these members of the teaching profession, who were members of this group of the Communist Party or nearly all of them, were members of the American Federation of Teachers.

Prof. LeRoy Herndon, in the course of his testimony, and Mr. Richard B. Lewis, in the course of his testimony, and Anne Kinney, also known as Jane Howe, in the course of sworn testimony on her part, identified you as a member of that group.

Then there has been the testimony before the committee of Mr. Max Silver. Mr. Silver was the organizational secretary of the Los Angeles County Communist Party organization for a period of time, and was a high functionary in the party and withdrew from the Communist Party sometime after 1945.

In the course of his testimony before the committee I asked him certain questions, which he answered, and I believe I should read them to you:

QUESTION. I believe at this time I will ask you to tell the committee what you know about the formation of Communist Party groups within the teaching profession.

Mr. SILVER. Well, we had a teachers' branch, part of the professional section.

Mr. TAVENNER. Where was this group or branch established? Was it in any particular congressional district? I am speaking now merely of the location of the organization.

Mr. SILVER. In all probability it was functioning either in the 13th or 15th Congressional District.

Mr. TAVENNER. What type of people were embraced within its organization?

Mr. SILVER. I have never visited the teachers' branch. I came in contact with some of them through the professional section.

Mr. TAVENNER. Did these teachers represent various branches of the educational system of the community, such as the public schools, the universities, and private schools?

Mr. SILVER. I have no information.

Mr. TAVENNER. Do you know how many members were in the branch?

Mr. SILVER. I believe 15 or 20.

Mr. TAVENNER. Who was the organizer of the group, if you know?

Mr. SILVER. The most active teacher that participated in the general life of the party was Abe Minkus. As a matter of fact, he was at one time the organizer of the professional section.

Mr. TAVENNER. Do you recall whether Norman T. Byrne was at one time an organizer?

Mr. SILVER. Professor Byrne, you mean?

Mr. TAVENNER. Byrne.

Mr. SILVER. This is how we knew him. He was a teacher in the City College. I have known Byrne, not from the teachers' branch, and I have never known him as an organizer of the branch. If he was, then it was in the very early years, probably in the thirties. I have known of Norman Byrne's activities as one of the top speakers that carried the torch against war during 1939 and 1940.

He participated very actively in, at that time, the peace move, and there were 2 or 3 speakers that were constantly talking. One was Sam Ornitz, Herb Biberman and Norman Byrne. And I cannot recall the fourth one.

Mr. TAVENNER. Those were all activities of the Communist Party?

Mr. SILVER. Those were activities of the peace movement which was directed by the Communist Party.

Mr. TAVENNER. Was he known to you to be a member of the Communist Party?

Mr. SILVER. Yes; I considered him a member from two points of view. In the first place, I visited his home a number of times to take up certain problems. I cannot recall just what.

Mr. TAVENNER. Were those problems related to the Communist Party?

Mr. SILVER. Otherwise I wouldn't have gone. Second, I was in meetings of the peace commission which involved people who were active in this Hollywood peace movement, as well as people who were in the [American] League Against War and Fascism, which later turned into the [American] League for Peace and Democracy.

And I had participated in a number of these peace commissions at which he was present.

Now, I would like to ask you whether or not the witnesses I have mentioned, that is, Professor Herndon, Professor Lewis, and Mr. Silver were correct in their identification of you as having been a member of the Communist Party.

Mr. BYRNE. It is a perfectly technical situation, of course, and I do not hesitate to invoke the fifth amendment and all its parts, and decline to answer. And I stipulate or, if you wish, state that that applies to all future questions along the same line, to save time.

Mr. JACKSON. I would like to state at this time, Mr. Kenny,¹ we asked your client whether he objected to proceeding without you, and he said he would proceed.

Mr. ROBERT KENNY. Well, that is a great tribute to my skill.

Mr. TAVENNER. You may recall from my reading of the testimony of Mr. Silver that he said he went to your home, he visited your home a number of times to take up certain problems, but that he did not recall the exact nature of them.

Will you tell the committee what those problems were?

(At this point Mr. Byrne conferred with Mr. Kenny.)

Mr. TAVENNER. Will you tell the committee what those problems were?

Mr. BYRNE. Same answer.

Mr. TAVENNER. For the same reasons?

Mr. BYRNE. Yes; for the same reasons.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

¹ Robert W. Kenny appeared, after interrogation of the witness was begun, as counsel for Norman Byrne.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mr. TAVENNER. If you will pardon me, I do have another question.

Mr. JACKSON. Yes.

Mr. TAVENNER. Have you been a member of the Communist Party at any time?

Mr. BYRNE. Same answer, sir.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. The witness is excused.

Mr. TAVENNER. Mr. Chairman, did the witness Rose Posell indicate who her attorney was?

Mr. JACKSON. I believe her attorney is Mr. Esterman.

Will you please rise and hold up your right hand?

Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. POSELL. Yes. Mr. Tavenner and Mr. Jackson, before any further questioning goes on I would like to have permission for my attorney to cross-examine the previous witnesses who testified against me.

Mr. JACKSON. As has been stated previously, the rules of the committee and the rules of the House of Representatives do not permit cross-examination of previous witnesses by counsel.

If you have a statement that you would like to file with the committee, the committee will be happy to receive it.

Mrs. POSELL. May my attorney make a brief statement?

Mr. JACKSON. No; your attorney is not permitted to address oral argument or make statements to the committee. He is beside you only for the purpose of advising you of your constitutional rights during the period of your interrogation.

Mrs. POSELL. Thank you very much.

TESTIMONY OF ROSE POSELL, ACCOMPANIED BY HER COUNSEL, WILLIAM B. ESTERMAN AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please?

Mrs. POSELL. Rose Posell.

Mr. TAVENNER. Are you accompanied by counsel?

Mrs. POSELL. I am; yes.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall.

Mr. ESTERMAN. William B. Esterman.

Mr. TAVENNER. What is the place of your birth, please?

Mrs. POSELL. I was born in New York City.

Mr. TAVENNER. What is your occupation?

Mrs. POSELL. I am a teacher.

Mr. TAVENNER. What has been your formal educational training for your profession?

Mrs. POSELL. I went to the public schools here in Los Angeles, and high school. I received my bachelor-of-arts degree in UCLA in 1934. I also took some work at the University of California at Berkeley.

Mr. TAVENNER. Will you tell the committee, please, briefly what employment you have had within your profession?

Mrs. POSELL. I have been employed by the Los Angeles City schools since 1937 as an elementary-school teacher.

Mr. TAVENNER. Were you a member at any time of the American Federation of Teachers?

Mrs. POSELL. Well, Mr. Tavenner, I really could not answer that question with integrity, because I don't remember. At the present time I am not a member.

Mr. TAVENNER. The committee has had testimony that there existed in Los Angeles a Communist Party cell composed exclusively or almost exclusively of members of the teaching profession, and that this group of teachers was exclusively, if not entirely, almost exclusively members of the Teachers' Union.

Prof. LeRoy Herndon and Anne Kinney, otherwise known as Jane Howe, have both identified you as having been a member of that group of the Communist Party. Were they correct in so identifying you?

Mrs. POSELL. Mr. Tavenner, is this going to be a test of veracity between myself and previous witnesses?

Mr. TAVENNER. Will you answer the question?

Mrs. POSELL. I don't know those witnesses and I really could not say anything about it.

Mr. JACKSON. Were you a member of the Communist Party at any time?

Mrs. POSELL. Mr. Jackson, I will answer questions like the one you just propounded to me with neither "Yes" nor "No," and any other questions just like it, for the following reasons—

Mr. JACKSON. I am sorry. We went through this at great length this morning. The Chair is going to insist upon an answer, and then, following the answer, you may feel quite at liberty to give whatever reasons you desire.

However, the question must be answered or a declination entered before the reasons are given.

(At this point Mrs. Posell conferred with Mr. Esterman and Mr. Marshall.)

Mrs. POSELL. Mr. Jackson, I cannot do that. You cannot compel me to answer this question in your words. I would like to use my very own words, and I would like to answer the way I wish to. I think you would give me the courtesy of answering the question. I know that you are making me answer this question because you are in collusion with our board of education that is dominating—

Mr. JACKSON. I will say to the witness that I personally resent that deeply. I am not in collusion with anyone. I am carrying out my duties and my obligations as imposed on me by the Congress.

Mrs. POSELL. I would like to answer this question, but I would like to answer it in my own words, and not in the words put in my mouth by Mr. Jackson.

Mr. JACKSON. As soon as you have answered the question you will be given every opportunity to state your reasons. We have no desire to in any way limit the reasons that you have. We have listened as long as 15 minutes this morning to the reasons for refusal to answer.

However, the Chair feels that it is quite within the prerogative of the committee to require that the question be answered or your declination to answer entered, at which time you will be permitted to state your reasons.

(At this point Mrs. Posell conferred with Mr. Esterman and Mr. Marshall.)

Mr. JACKSON. Let us, first of all, dispose of the pending question.

Mrs. POSELL. Mr. JACKSON, I am not going to give you an answer that you want me to give you. I am going to answer this question in my own words, and I think I have the right to do that.

Mr. JACKSON. I am not suggesting that you give any answer, nor am I trying to dictate your answer to you. You have a choice of three courses of action. You can answer "Yes" or "No" or decline to answer.

However, there is presently pending a question which has been directed to you by counsel, and as soon as an answer to that question has been entered, then you will be given every opportunity to explain the reasons for your answer.

Mrs. POSELL. I am not answering it that way. I am answering it—

Mr. JACKSON. No; you have not yet answered the question. You have simply said, "I will not answer 'Yes' or 'No'." to that question.

(At this point Mrs. Posell conferred with Mr. Esterman and Mr. Marshall.)

Mrs. POSELL. Mr. JACKSON, I have an attorney here, and he is giving me legal advice that I have confidence in; and if you will let me proceed with my answer, perhaps you will be more satisfied.

Mr. JACKSON. I will be perfectly satisfied as soon as you deem it advisable to answer the question which is now pending, following which you will be given an opportunity to explain the constitutional grounds upon which you take your stand in the event of a declination to answer. I have no idea how you are going to answer.

Mrs. POSELL. An answer to a question doesn't have to be a "Yes" or "No" answer. It can be an explanation, which I am going to give.

Mr. JACKSON. I am sorry, but as far as the Chair is concerned, you are going to answer or decline to answer the question first, and thereupon you will be given every opportunity to explain your answer. The Chair hereby directs that the witness answer the question or give a declination, following which the reasons for the declination or the reason for the answer will be heard.

(At this point Mrs. Posell conferred with Mr. Esterman and Mr. Marshall.)

Mrs. POSELL. Mr. JACKSON, I am here, I am prepared to answer the question, but I am not going to answer it in your words, and if you don't wish an answer, please withdraw the question.

Mr. JACKSON. The question will not be withdrawn, nor are you being directed in any manner to give any kind of an answer, except the Chair is requiring that an answer be given to the question which has been asked by counsel, and following your answer, as I have said several times, you will be given an opportunity to explain your reasons for declining to answer or for answering as you do.

As the record now stands, your statement is that you will not answer yes or no to that question.

Mrs. POSELL. Well, you haven't heard my answer. How do you know how I am going to answer?

Mr. JACKSON. I am waiting for your answer.

Mr. ESTERMAN. Go ahead.

Mrs. POSELL. My answer has several points.

Mr. JACKSON. Very well, give your answer now, and your reasons after the answer.

Mrs. POSELL. Very well, as a certified teacher——

Mr. JACKSON. What is your answer to the question? There is a question pending.

Mrs. POSELL. My answer has 5 points and I would like to give them all. Each point is directed——

Mr. JACKSON. Do you decline to answer the question?

Mr. ESTERMAN. Mr. Chairman, please don't rag the witness.

Mr. JACKSON. I am not ragging the witness.

Mr. ESTERMAN. I have advised her she may answer in her own words, and that is the way she is going to answer, and I also advised her that your legal advice is inaccurate, and it is inaccurate and I am prepared to demonstrate that.

Mr. JACKSON. All right, I will let you fight it out on that ground.

Mr. ESTERMAN. You have asked the question and she will give her answer.

Mr. JACKSON. She will give an answer to the question or a declination to answer, whereupon she will be given an opportunity to state her reasons. As the situation stands at this moment, the record would show very clearly, Mr. Esterman, that counsel has directed a question to the witness and the witness has been directed by the Chair to answer the question or decline to answer, following which answer she will be given an opportunity to explain her reasons.

However, the committee is still going to write the rules for this committee and this has been the standing procedure of the committee for a long time, and I, for one, do not intend to deviate from it in the present instance.

Mrs. POSELL. Mr. Jackson, may I request you do not pound your gavel at me?

Mr. JACKSON. You may request it; however, for the benefit of the witness I am not pounding the gavel at the witness.

Mr. ESTERMAN. Why don't you remove the people as you said you would? What are you running, a show here?

Mr. JACKSON. The Chair is not constrained to listen to a great deal more personal comment from counsel.

Mr. ESTERMAN. You made a promise. You said you would remove them if they behaved this way.

Mr. JACKSON. I am quite capable of determining what time the room should be cleared. And I will suggest to counsel that he confine his advice to his client and not to the Chair.

Mr. ESTERMAN. And I will ask the Chair not to give my client legal advice.

Mr. JACKSON. The Chair is not advising your client. It is simply instructing her to answer the question. We had better ask the question one more time.

Will the reporter read it, or will counsel restate his question?
(The question was read.)

Mrs. POSELL. The answer to the question is neither "Yes" or "No," and all other questions like it, for the following five reasons——

Mr. JACKSON. The witness is excused for a period of a half-hour, or immediately upon the conclusion of the next witness.

Call your next witness.

Mr. ESTERMAN. Mr. Chairman, we are ready. We have been called. Why don't we finish with this witness?

Mr. JACKSON. I am quite willing to finish with the witness, but certainly not in the face of these delaying tactics.

Mr. ESTERMAN. There is no court in the land that will justify your position that a witness must answer "Yes" or "No" or decline to answer. The witness has a right to answer in her own words.

Mr. JACKSON. You may advise your client to that effect.

Mr. ESTERMAN. She has been advised. She has tried for 15 minutes to finish her answer and you interrupt her.

Mr. JACKSON. I simply asked the witness, which I shall continue to do, to give a straightforward answer or a declination to answer the question which has been proposed by counsel.

Mr. ESTERMAN. You suggest the answer be straightforward.

Mr. JACKSON. Following which she will be given an opportunity to set forth any reasons which she may have for declining to answer or to explain any answer she may give. If the witness does not desire to do that at this time, this matter will be laid over until the conclusion of the next witness, which I hope will not be unduly long. And I would certainly hope that will come about within the next half-hour or three-quarters of an hour.

Mrs. POSELL. Mr. Jackson, I am prepared to answer the question if you will let me do it in my own way.

Mr. JACKSON. You may answer the question, which is a very direct, straightforward question. The reasons, which I assume are printed and are in front of you, may be given following the answer to the question or your declination to answer the question.

Mrs. POSELL. Will you please explain what you mean, printed for me?

Mr. JACKSON. Well, I have never seen them, but you do have a series of printed statements.

Mrs. POSELL. These are my own notes which I typed myself.

Mr. JACKSON. They are printed.

Mrs. POSELL. That is insulting.

Mr. JACKSON. No; it is not insulting. They are typewritten, printed.

Mrs. POSELL. You added the words "for me."

Mr. JACKSON. No; I didn't intend to say "for you," and I did not say "for you." They are typewritten notes or a typewritten statement which you have in front of you.

However, that is beside the point. The direction still stands to answer the question which is pending.

Mr. ESTERMAN. Go ahead and answer it.

Mrs. POSELL. I cannot say the words that you are directing me to put in my mouth. I will only say what I feel in my heart and what I can say.

Mr. JACKSON. The witness is excused for the present and will kindly remain in the hearing room.

Mrs. POSELL. Is the question withdrawn?

Mr. JACKSON. No; the question is not withdrawn. The question stands.

Mrs. POSELL. Then I would like to answer that question.

Mr. JACKSON. You may answer the question or give your declination, whereupon you will be enabled to give your reasons for declining.

Mrs. POSELL. I cannot say the words that you would tell me to say.

Mr. JACKSON. I haven't told you to say anything.

Mrs. POSELL. Yes; you have, Mr. Jackson.

Mr. JACKSON. I have not.

Mrs. POSELL. You have told me to say, "I decline or refuse," and I don't, and I am not going to say that.

Mr. JACKSON. The record at the moment is that there is a question pending which you have refused to answer.

Mr. ESTERMAN. And for the following reasons, she said.

Mr. JACKSON. All right, the witness will be excused, and it will be appreciated if she will remain within call.

Mr. ESTERMAN. That is all right.

(Whereupon the witness Rose Posell was temporarily excused.)

Mr. JACKSON. Who is your next witness?

Mr. TAVENNER. Mr. Serrill Gerber.

Mr. JACKSON. Raise your right hand. Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GERBER. I do.

TESTIMONY OF SERRILL GERBER, ACCOMPANIED BY HIS COUNSEL, WILLIAM B. ESTERMAN AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name?

Mr. GERBER. Serrill Gerber.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. GERBER. Of course.

Mr. TAVENNER. What was your reply?

Mr. GERBER. Of course, I am accompanied by counsel.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall.

Mr. ESTERMAN. William B. Esterman.

Mr. TAVENNER. When and where you born, Mr. Gerber?

Mr. GERBER. Toledo, Ohio, 1913.

Mr. TAVENNER. What is your occupation?

Mr. GERBER. I am a teacher.

Mr. TAVENNER. Will you tell the committee, please, briefly what your formal educational training has been?

Mr. GERBER. Nothing very spectacular at all. Elementary school in South Dakota, high school and college in Los Angeles, and a bachelor's from UCLA is about all.

Mr. TAVENNER. When did you receive your bachelor's degree?

Mr. GERBER. 1946 would be a close date.

Mr. TAVENNER. How long have you been engaged in the teaching profession?

Mr. GERBER. Since then.

Mr. TAVENNER. What is the field of teaching in which you are engaged?

Mr. GERBER. I am sorry.

Mr. TAVENNER. What is the field of teaching in which you are engaged?

Mr. GERBER. You mean what level, what grade?

Mr. TAVENNER. Yes.

Mr. GERBER. Elementary grade, sixth grade, Evergreen Avenue in the Los Angeles City schools.

Would you wait just a moment, please? I would like to consult with counsel.

(At this point Mr. Gerber conferred with Mr. Esterman and Mr. Marshall.)

Mr. GERBER. I am ready now.

Mr. TAVENNER. Professor Gerber—

Mr. GERBER. I am just a teacher. I am not a professor.

Mr. TAVENNER. Well, the committee was advised in the course of this hearing and in the sworn testimony of Edith Macia, that when she joined a group of the Communist Party in Los Angeles, or soon thereafter—

Mr. GERBER. Who was that again, please? I am sorry, I didn't hear the name.

Mr. TAVENNER. Edith Macia. I will begin the question over.

During the course of her testimony, Edith Macia stated that you acted as chairman of the Communist Party group of which she was a member. Were you at that time a member of the Communist Party group in Los Angeles?

(At this point Mr. Gerber conferred with Mr. Esterman and Mr. Marshall.)

Mr. GERBER. Well, you have me sort of happy, so maybe I will reciprocate. You came to the point without playing cat and mouse, as I have seen you do this morning, so I will try to meet you halfway.

I decline to answer that question, Mr. Jackson.

Mr. JACKSON. Declination is noted.

Mr. GERBER. Now, I understand I am being given the opportunity of telling—

Mr. JACKSON. You may state your reasons for your declination.

Mr. GERBER. Thank you. Now, I suppose this is my opportunity to clear my patriotism with this committee, and to clear the atmosphere, as Mr. Jackson described this morning at the hearing. Strangely, I feel little compulsion to do this. I think it is perhaps because people who know me have never questioned my sense of loyalty to, well, to anything I belong to—my family, my community, and certainly least of all my Nation, so if I reject your opportunity to obtain this committee's approval of my patriotism, I do so for four very good reasons, and I am informed that they are based and founded in the law.

No. 1, to me it is more important that the principles I believe in of academic freedom be protected than that I clear myself of the kind of charges that are bandied about in this committee. I think many people agree that teachers are under the kind of constant governmental scrutiny that takes place here at this committee. We can do no other than raise a generation of robot-minded children. I am not going to contribute to that.

Now, to me your question is the first step, true it is but a step, but nonetheless it is a step in this direction, and I am happy to remind you that it is in conflict with the Constitution's first amendment, under which academic freedom, among other freedoms, flourishes in our country.

I might add I don't feel that our country has suffered unduly from the existence of the kind of academic freedom I am defending here today. We are all products of it. And I think we are rather proud even of our differences here in this room.

Now, No. 2—maybe this is more important than the other. Before I spoke of teachers. Now I speak of all citizens of our country. All people's private lives are to be freed from Government meddling. I think it is more important that we protect that principle than that I use this opportunity to get your approval of my patriotism. And if previously I had protected my rights as a teacher with the first amendment, now I protect my rights as a citizen with that same part of our law.

No. 3. To me I have lived in Los Angeles the bulk of my life. It is more important that our Los Angeles school system be free from interference by the Federal Government than that I clear my patriotism with this committee.

With respect to teacher loyalty, a number of local measures have in fact already been taken and I complied with all of these requirements, including State and local loyalty oaths. You are well aware of those. I remind the committee of the ninth and tenth amendments, which I believe, among other things, protect our local schools from Federal annoyance.

I would say that our local schools have solved many problems bigger than this without the help of the Federal Government, and they are well able to handle this problem likewise.

Well, I should like the foregoing to be my complete answer, but in fairness to myself and to protect myself against any possible judiciary proceeding, I am incorporating the fifth amendment as a premise, that no one need bear witness against himself. And I incorporate that thought as a part of my answer to your question.

And I was, believe me, happy to hear Mr. Jackson this morning agree with the advice that counsel has given me, that the fifth amendment is for the protection of innocent people, and I know that there are those in the audience who agree neither with Mr. Jackson nor with my counsel on this point.

My final reason, if there is is a problem of protecting our children—there are many who will agree with me that this is a poor remedy to try to protect our children.

Now, I stand ready to cooperate with any reasonable effort by reasonable men to insure that our children are instructed in the principles of democracy and no other as the foundation of our way of life, and I cannot believe that your question contributes one whit to that purpose. On the contrary, it defeats that purpose, and if you wish, I could go on and give you proof of how you have defeated that purpose already.

This constitutes my answer to this, and with your permission, to similar questions.

Mr. JACKSON. And for the reasons stated, you decline to answer the question?

Mr. GERBER. Yes, yes, I agree with that.

Mr. JACKSON. Are there any further questions, Mr. Tavenner?

Mr. TAVENNER. Are you acquainted with Louis Rosser?

Mr. GERBER. Just once more on the name, please.

Mr. TAVENNER. Louis Rosser.

(At this point Mr. Gerber conferred with Mr. Esterman and Mr. Marshall.)

Mr. GERBER. Before I can give any kind of intelligent answer, would you tell me—it is just a name right now. Tell me who this person is, before I get on the hook.

Mr. TAVENNER. Mr. Rosser, in a sworn statement before the committee on January 15, 1952, stated that he was at one time an organizer for the Young Communist League and a member of the Communist Party.

(At this point Mr. Gerber conferred with Mr. Esterman and Mr. Marshall.)

Mr. TAVENNER. And in the course of his testimony he stated that when he knew you, when he met you, that you were a student leader and that you had spent a great deal of time in the work with the students at UCLA and City College, and that you were a member of the Young Communist League.

Was he correct in identifying you as a member of the Young Communist League?

Mr. GERBER. That is a pretty serious question, from a person whose name I can't remember.

Mr. TAVENNER. It shouldn't be, regardless of who the individual is. Were you a member of the Young Communist League at any time?

Mr. GERBER. Oh, well, that is a different question than asking me about some name here.

Mr. TAVENNER. I am asking whether or not he was correct in identifying you as a member of the Young Communist League.

Mr. GERBER. This seems to be a slightly different question from your other question.

Mr. TAVENNER. Well, let us answer that question first. Was he correct in identifying you as a member of the Young Communist League?

(At this point Mr. Gerber conferred with Mr. Esterman and Mr. Marshall.)

Mr. GERBER. I can't distinguish that question in type and principle from, of course, the one I have already answered, and I would specifically answer that question if you insisted, in exactly or almost the same way I answered the previous question.

Mr. TAVENNER. Then I understand you decline to answer the question for the same reason that you assigned before?

Mr. GERBER. Yes; of course, I do. That is just what I said.

Mr. TAVENNER. Well, were you a member of the Young Communist League at any time?

Mr. GERBER. You see, that to me again is in the same category of the other questions that I have indicated, and as a matter of principle, I decline to answer, or put it any way you choose. I will answer you the same why I did the previous question.

Mr. TAVENNER. You drew a distinction between the question of whether or not he was correct in his identification of you as a member of the Young Communist League and your membership in the Young Communist League, and I am merely giving you the opportunity to answer it both ways.

Mr. GERBER. I understand your question to ask me whether I knew this person, and that is a difficult thing. I met someone the first day

I was here at the hearing. That was a man who was at City College with me, and it took a moment to recall him.

Mr. TAVENNER. My question is, Were you at any time a member of the Young Communist League?

Mr. GERBER. Yes; and I think I told you that as a matter of principle this question falls in the category of questions to me, questions that can't be answered in any other way than I have previously answered.

Mr. TAVENNER. Do you so answer it?

Mr. GERBER. Oh, yes; of course, I do.

Mr. TAVENNER. Then let's make our answers clear.

Mr. GERBER. I know you have special language here that is "yes," "no," and "I refuse," a three-word dictionary. "Yes," "no," and "I refuse." Some of us have a little more extended vocabulary and those words don't come to our minds—

Mr. TAVENNER. If you will just use language so we will know what you mean, we will appreciate it.

Mr. GERBER. If you will just tell me what you want—

Mr. TAVENNER. I want to know what your answer is to the question as to whether or not you were ever a member of the Young Communist League.

Mr. GERBER. As a matter of principle this question falls in the category of those questions that to me can only be answered essentially the same way as I answered a previous similar question.

Mr. TAVENNER. Then how do you answer it?

Mr. GERBER. I decline to answer it for essentially the same reasons I declined to answer a previous similar question.

(At this point Mr. Gerber conferred with Mr. Esterman.)

Mr. JACKSON. For the same reasons?

Mr. GERBER. If I were to give a complete answer, it is conceivable, as my mind were to work out my answer, I should add an additional reason or subtract a reason. I can't answer that question.

Mr. JACKSON. But as the matter stands, you decline to answer for the reasons previously given?

Mr. GERBER. Goodness, I said that, Mr. Jackson. I said that 5 minutes ago.

Mr. JACKSON. I am having difficulty in understanding you, in spite of your extensive vocabulary.

Do you have any further questions?

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. Is there any reason why the witness shouldn't be excused?

Mr. TAVENNER. No.

Mr. JACKSON. The witness may be excused.

We will recess for 5 minutes.

(Whereupon a recess was taken from 1:50 to 2:06.)

(After the recess, at 2:06 p. m., the committee reconvened and Representative Jackson was present.)

Mr. JACKSON. The committee will be in order.

Whom do you desire to call, Mr. Tavenner?

Mr. TAVENNER. Mr. William Oliver.

Mr. KENNY. Mr. Oliver, I think, must be a few minutes late. He is working, you know, and he has to get to press. He is going to be

here at 2. He ought to be here at any time. By the time you call the next witness he will be available.

Mr. TAVENNER. Mr. Alfred Page.

Mr. JACKSON. Will you raise your right hand? Do you solemnly swear the testimony you are about to give, you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PAGE. I do.

**TESTIMONY OF CHARLES A. PAGE, ACCOMPANIED BY HIS
COUNSEL, ROBERT W. KENNY**

Mr. JACKSON. Be seated.

Mr. TAVENNER. What is your name, please, sir?

Mr. PAGE. Charles A. Page.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. PAGE. I am, sir.

Mr. TAVENNER. Will counsel please identify himself?

Mr. KENNY. Robert W. Kenny.

Mr. TAVENNER. You are known by the name of Charles Page?

Mr. PAGE. Yes, sir.

Mr. TAVENNER. Are you also known by the name of Alfred Page?

Mr. PAGE. Never, sir.

Mr. TAVENNER. What is your middle name?

Mr. PAGE. Albert.

Mr. TAVENNER. Will you please state the time and place of your birth?

Mr. PAGE. March 1899, Newton, Mass.

Mr. TAVENNER. Will you speak a little louder, please?

Mr. PAGE. Excuse me.

Mr. TAVENNER. What is your occupation, Mr. Page?

Mr. PAGE. I have no occupation, sir.

Mr. TAVENNER. What occupations have you followed?

Mr. PAGE. I have worked in the publishing business. I have been a secretary. I have done a small amount of writing, and I have been in the American foreign service.

Mr. TAVENNER. Will you state to the committee, please, what your formal educational training has been?

Mr. PAGE. Harvard A. B. 1921. University of Sorbonne 1926. University of California, doctor of philosophy, 1952.

Mr. TAVENNER. You stated you were in the publishing business at one time. During what period of time were you so employed?

Mr. PAGE. 1921 to about 1925 or 1926.

Mr. TAVENNER. You stated you were secretary. What did you mean by that?

Mr. PAGE. I held several secretarial positions, as it is ordinarily understood.

Mr. TAVENNER. What type of secretarial positions?

(At this point Mr. Page conferred with Mr. Kenny.)

(Representative Cyle Doyle entered the hearing room at this point, 2:10 p. m.)

Mr. PAGE. Mr. Tavenner, the period in which I held these secretarial positions was from about 1934 to 1941.

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. I shall endeavor, Mr. Counsel, to answer all pertinent questions previous to 1934 and subsequent to 1941.

Mr. TAVENNER. But you will not answer any pertinent questions between the dates of 1934 and 1941?

Mr. PAGE. I am inclined to believe that is so, sir.

Mr. TAVENNER. You seem to be in doubt about that. You are inclined to believe. So let me ask you some questions, specific questions regarding that period.

What position as secretary did you hold between 1934 and 1941?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. My counsel, sir, has advised me to decline to answer that question, invoking my privilege under the fifth amendment, and I so do.

Mr. TAVENNER. Did you engage in the teaching profession at any time?

Mr. PAGE. For a few months sometime between 1921 and 1925 for perhaps 3 or 4 months I taught at a private school. I was teaching assistant at the University of California in 1950 and 1951.

Mr. TAVENNER. Did you teach at any other school at any time?

Mr. PAGE. No, sir.

Mr. TAVENNER. I hand you, Mr. Page, a photostatic copy of page 11 of the Daily Worker of New York, of the issue of December 3, 1946, which refers to a "Best Book Fair" at Jefferson School. In the course of that article appearing in the two left columns of the paper it appears that you were to participate in a panel on understanding economics today. And you are listed—

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. TAVENNER. Here, or there is the name listed of Albert Page, instructor in political economy at the Jefferson School. I ask that this photostatic copy be marked "Exhibit 1" for identification only, and I will ask you to examine it and state whether or not that refreshes your recollection.

(The document referred to was marked "Page Exhibit No. 1" for identification.)

Mr. PAGE. What is your question, sir?

Mr. TAVENNER. I ask you to examine the paper, the document handed you, and to state whether or not that refreshes your recollection as to whether or not you did teach in some other educational institution besides the one you described back in 1921 to 1925.

Mr. PAGE. The only two institutions that I recall I have already mentioned. I have had absolutely no connection with that school mentioned there.

I might explain, Mr. Counsel, that I was subpoenaed 15 months ago under my correct name as Charles Albert Page. I received. I think it was, 8 postponements of my appearance before this committee.

During those notifications the "Charles" seems to have gotten lost and I was notified as Albert, and I was subpoenaed this time as Albert. I accepted the subpoena without question, because I had been subpoenaed under my correct name and the address was correct. I think that it is useless to pursue any further questions identifying me as an Albert Page.

Mr. TAVENNER. Well, were you at any time connected with the Jefferson School?

Mr. PAGE. I never was, sir.

Mr. TAVENNER. Did you take part in the Best Book Fair in the Jefferson School in any capacity?

Mr. PAGE. I did not, sir.

Mr. TAVENNER. In other words, the Albert Page referred to here is not you, Charles Albert Page?

Mr. PAGE. Obviously no.

Mr. TAVENNER. Now, were you employed at any time by the United States Government?

Mr. PAGE. Yes, sir.

Mr. TAVENNER. Over what period of time?

Mr. PAGE. In 1927 to 1933 and 1941 to 1946.

Mr. TAVENNER. In what capacity were you employed?

Mr. PAGE. 1927 to 1933 I was a secretary in the Foreign Service. From 1941 to 1946 I was in the auxiliary Foreign Service.

Mr. TAVENNER. You referred in the early part of your testimony to your having served as secretary.

Mr. PAGE. That is correct.

Mr. TAVENNER. Were you speaking of these two positions when you told us that you had been a secretary?

Mr. PAGE. No, sir. I was referring to the period 1934 to 1941 when I was a secretary.

Mr. TAVENNER. What was the nature of your employment as secretary between 1934 and 1941?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. I decline to state, sir, on the grounds previously mentioned.

Mr. TAVENNER. I hand you what purports to be a photostatic copy of form 57, which is an application for Federal employment, and I will ask that it be marked "Page Exhibit No. 2" for identification only.

Mr. JACKSON. It will be so marked.

(The document referred to was marked "Page Exhibit No. 2" for identification.)

Mr. TAVENNER. I will ask you to examine it and state whether or not it is your application for Federal employment.

That is a photostatic copy of your application.

Mr. PAGE. Yes.

Mr. TAVENNER. Will you examine section 17 and read it, please, question 17, and read it?

Mr. PAGE (reading):

Do you advocate or have you ever advocated or are you now or have you ever been a member of any organization that advocates the overthrow of the Government of the United States by force or violence? If so, give complete details under item 45.

Mr. TAVENNER. How does the question indicate that it was answered?

Mr. PAGE. "No."

Mr. TAVENNER. Was that a truthful answer?

Mr. PAGE. I decline to answer, sir, on the grounds already stated.

Mr. TAVENNER. I desire to offer the document in evidence, and ask it be marked "Page Exhibit 1."

Mr. JACKSON. Page exhibit 1 or exhibit 2?

Mr. TAVENNER. Two.

Mr. JACKSON. It will be received.

(The document heretofore marked "Page Exhibit No. 2" for identification was received in evidence.)

Mr. TAVENNER. Will you tell the committee more in detail, please, what the nature of your employment was while you were employed by the State Department?

Mr. PAGE. What years, sir?

Mr. TAVENNER. Well, let us begin first with the earlier period, 1927 to 1933.

Mr. PAGE. Sir, that was some twenty-five-odd years ago and in order to refresh my memory and not take up the time of the committee, I jotted down a few notes here.

I served in a vice consular capacity, handling matters of citizenship, in the shipping section, clipping newspapers—sort of a general messenger boy in charge of the inventory, and some commercial reporting.

Mr. TAVENNER. I understood you to say you were in Foreign Service during part of that time.

Mr. PAGE. That is true, sir. That is what I am speaking about.

Mr. TAVENNER. Where were you employed in Foreign Service—what country?

Mr. PAGE. In Cuba from 1927 to 1930. In Ecuador from 1930 to 1932. In Guatamala from 1932 to 1933.

Mr. TAVENNER. Then where were you during the period of 1941 to 1946?

Mr. PAGE. I was employed in Uruguay from 1941, about September 1941, to the spring of 1943. I was then transferred.

Mr. TAVENNER. What was the nature of your duties during that period?

Mr. PAGE. I was cultural relations attaché.

Mr. TAVENNER. Then you started to tell us you were transferred.

Mr. PAGE. I was transferred to the cultural relations division of the State Department for a few months and was appointed cultural relations attaché in Paris in 1944. I remained there until 1946.

Mr. TAVENNER. What were the circumstances under which your employment was terminated or became terminated with the United States Government?

Mr. PAGE. In 1946, sir?

Mr. TAVENNER. Yes.

Mr. PAGE. I had a temporary wartime appointment in the auxiliary service. I was requested to resign, and I resigned after the war was over.

Mr. TAVENNER. Was a loyalty investigation conducted prior to your being asked to resign?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. Yes, sir. I was asked questions by the Federal Bureau of Investigation in 1943 and again in 1945.

Mr. TAVENNER. Did you advise the Federal Bureau of Investigation regarding your past affiliation with the Communist Party, if you had such an affiliation?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. Sir, the answers to the questions put to me by the Federal Bureau of Investigation were taken down in writing, and inasmuch as this is nearly 10 years ago, I do not recall all of the questions, and I shall not be able to answer the question.

Mr. TAVENNER. Were you asked the question whether or not you had been a member of the Communist Party?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. I don't recall, sir, frankly.

Mr. TAVENNER. Pardon me.

Mr. PAGE. Frankly, I don't recall, sir.

Mr. TAVENNER. I may say to you that the files of the Federal Bureau of Investigation are not available to this committee or its staff.

Were you asked a question by the Federal Bureau of Investigation as to whether or not you had at any time been a member of an organization which sought to overthrow the Government of the United States by the use of force or violence if necessary?

Mr. PAGE. Well, sir, as I say, that is the same type of question, and unless I could see—and I don't know whether that report is a security matter or not—I don't know whether I would be able to see it.

Mr. TAVENNER. Well, were you a member of the Communist Party at any time?

Mr. PAGE. I decline to state, sir, on the grounds already mentioned.

Mr. TAVENNER. How were you employed between June 1936 and August of 1936?

Mr. PAGE. I had been unemployed, sir, except for the 1 year as teaching assistant at the University of California up to 1951.

Mr. TAVENNER. I think I have not made my question plain, or you misunderstood me. I understand that you were employed by the United States Government from approximately 1927 to 1933 or 1934.

Mr. PAGE. Yes.

Mr. TAVENNER. And then again from 1941 until 1946?

Mr. PAGE. That is right, sir.

Mr. TAVENNER. Now, I am asking you about your employment in the period between 1934 and 1941. How were you employed during that period of time?

Mr. PAGE. I have already stated, sir, that I decline to answer that question on the grounds previously given you.

Mr. TAVENNER. Well, I find in the application for Federal employment on form 57, entered as Page exhibit No. 2, that you gave as the place of your employment between June 1936 and August 1936 as Hollywood, Calif.

Mr. PAGE. Yes, sir.

Mr. TAVENNER. Was that correct?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. I didn't hear the question; I beg your pardon.

Mr. TAVENNER. I say, I see from your form 57 that you gave as the place of your employment from January 1936 to August 1936 as Hollywood, Calif. Is that correct, that you were employed in Hollywood at that time?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. Sir, I decline to answer that question on the grounds already stated.

Mr. TAVENNER. I am reading from your form No. 57, where it says that the name of your employer during that period of June 1936 to August 1936 was the Metro-Goldwyn-Mayer Co., address Culver City. What was the nature of your employment at that time at Culver City?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. Sir, that falls within the same period in which I decline to answer questions on the grounds already stated.

Mr. TAVENNER. You were listed as a junior writer during that period of time. You told us in the early part of your testimony that you did some writing. Did you write during that period for the Metro-Goldwyn-Mayer Co.?

Mr. PAGE. The same question and the same answer.

Mr. TAVENNER. I notice also from your form 57 that you were employed from January 1939 to December 1940 at Sacramento and Los Angeles, and that the name of the employer is State of California, and that your position was assistant to the lieutenant governor.

Mr. PAGE. Your question, sir?

Mr. TAVENNER. Is that correct?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. Yes. That is a matter of public record.

Mr. TAVENNER. What?

Mr. PAGE. That is a matter of public record and is correct, sir.

Mr. TAVENNER. Where did you reside from January 1939 to December 1940?

Mr. PAGE. That is the same period, sir, and I decline to answer the question on the same grounds.

Mr. TAVENNER. Did you live in New York City at any time during the period from 1934 to 1941?

Mr. PAGE. That is the same period, sir, and I refuse to answer the question on the same ground.

Mr. JACKSON. Is it my understanding, Mr. Page, that you refuse to answer every question having to do with the period 1934 to 1941?

Mr. TAVENNER. Yes.

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. Yes, Mr. Chairman.

Mr. JACKSON. Well, it certainly is not your contention, Mr. Page, that all of the things you did—or necessarily any of the things you did during that period would tend to incriminate you.

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. Sir, I decline to answer that question on the same grounds.

Mr. JACKSON. Very well.

Mr. TAVENNER. Now, Mr. Page, I ask you to tell us how you were employed between 1934 and 1941, and you first declined to answer on the ground that to do so may tend to incriminate you and then you have stated to me that you were employed by the State of California between January 1939 and December 1940.

There was nothing to indicate that your employment during that period, between January 1939 and 1940 might tend to incriminate you, was there?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. Sir, I believe that I do not have to state my reasons for invoking the privilege of not answering that question.

Mr. TAVENNER. No, but there is an obligation on the part of the committee to determine whether or not you are using the fifth amendment in good faith, and when you answered the first time that you would not testify regarding your employment between 1934 and 1941 and then later did do so, as between 1939 and 1940, it causes me or

causes the committee to have some doubt about the good faith in your use of the fifth amendment as to the rest of that period.

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. TAVENNER. It is in direct contradiction to your first statement.

Mr. PAGE. Sir, I answered with regard to 1939 and 1940, because it was a matter of public record. I stand on my previous—I continue my previous stand of denying that on the same grounds as the other questions.

Mr. TAVENNER. Were you a member or affiliated in any way with the Screen Writers' Guild?

Mr. PAGE. I decline to answer that question, sir, for the same reasons.

Mr. TAVENNER. It is observed from your form 57 that there are wide gaps in stating the periods of your employment, how you were employed. Were you asked by the Government how you had been employed during those periods of time that are not shown on your form 57?

Mr. PAGE. Will you——

Mr. TAVENNER. Excuse me just a minute.

Mr. PAGE. Will you indicate to me what periods of time that might be?

Mr. TAVENNER. Yes. Which includes the time from August 1936 to January 1939 and again from May 1943 to November 15, 1944.

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. With regard to the first period, sir, that falls within the period which I have declined to answer questions.

With regard to 1943 to 1944 I was traveling in Spain, vacationing and studying.

Mr. TAVENNER. Did you apply for a passport to Spain?

Mr. PAGE. Naturally, sir.

Mr. TAVENNER. When did you obtain your passport?

Mr. PAGE. I say naturally. I am not sure I didn't still have the same passport that I had had previously. I don't recall. I imagine that I did apply for a passport.

Mr. JACKSON. You formerly held a diplomatic passport, I assume?

Mr. PAGE. I did, sir.

Mr. TAVENNER. What was your purpose in going to Spain?

Mr. PAGE. Purely personal reasons. I had lived for a number of years in Latin America, and had become very much interested in the culture of Latin America and the people, and I wished to know the motherland and I also wished to perfect my knowledge of the Spanish language.

Mr. TAVENNER. How long did you remain in Spain?

Mr. PAGE. From November 1943 to about June 1944.

Mr. TAVENNER. It is noted that your form 57 bears the address of Jefferson Apartments, 16th and M Streets, Washington, D. C. How long had you lived at that place prior to——

Mr. PAGE. What is that date?

Mr. TAVENNER. November 15, 1944.

Mr. PAGE. Frankly, I don't recall, sir. I believe it was only a few weeks.

Mr. TAVENNER. Did you attend any Communist Party meeting in the city of Washington between 1941 and November 15, 1944?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. Certainly nothing, sir, that I knew or was aware of was a Communist meeting.

Mr. TAVENNER. Had you attended a Communist Party meeting in Washington at any time prior to 1941?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. Sir, you are referring again to the period or it is included, at least, in the period 1934 to 1941, the period in which I am declining to answer on the grounds already given.

Mr. TAVENNER. You state on your form 57 that your legal or voting residence was the State of New York. When did you live in the State of New York?

Mr. PAGE. I have not resided permanently in the State of New York. But when I was in the Foreign Service, sir, I used New York as my voting address..

Mr. TAVENNER. Had you ever lived in New York?

Mr. PAGE. I have never had residence there, never; never lived there for more than a few weeks at a time.

Mr. TAVENNER. Did you ever vote in the State of New York?

Mr. PAGE. I have never voted—wait a minute. Frankly, I don't recall, sir. The point is that I don't recall whether, when I was abroad and using that address, whether I was on leave at the time of an election and voted; I frankly don't recall, sir.

Mr. TAVENNER. In what voting district in New York were you registered?

Mr. PAGE. I don't recall that, either, sir.

Mr. TAVENNER. Were you registered as a voter in New York?

Mr. PAGE. I believe I was for a few years.

Mr. TAVENNER. What years?

Mr. PAGE. Again, sir, I don't recall. If you have the information there, sir, and will ask me the specific question, it might help me to refresh my memory.

Mr. TAVENNER. How did you obtain your first employment in the State Department in Washington?

Mr. PAGE. I took the Foreign Service examinations, passed successfully, and was appointed.

Mr. TAVENNER. What was the first position to which you were appointed?

Mr. PAGE. I was appointed a vice consul in Habana, Cuba.

Mr. TAVENNER. Mr. Page, Mr. Martin Berkeley appeared as a witness before this committee and under oath stated his own Communist Party experience, the period over which he had been a member, when he withdrew from the Communist Party and in the course of his testimony he stated that he had been a member between 1936 and 1943.

He identified you as a member of the Communist Party some time during that period. Was he correct in identifying you as a member of the Communist Party?

Mr. PAGE. Sir, that is the period that I have already mentioned, that I shall decline to answer on the grounds already given.

Mr. TAVENNER. Have you been a member of the Communist Party at any time since 1941?

Mr. PAGE. No, sir; I have not.

Mr. TAVENNER. Were you a member of the Communist Party at any time prior to 1934?

Mr. PAGE. No, sir; I was not.

Mr. TAVENNER. During the period between 1934 and 1941 were you a member of the Communist Party?

Mr. PAGE. I decline to state, sir, on the grounds already given.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. Mr. Doyle.

Mr. DOYLE. During the time you were assistant to the Lieutenant Governor of the State of California, who was the Lieutenant Governor?

Mr. PAGE. Mr. Ellis E. Patterson.

Mr. DOYLE. That was the years 1939 and 1940—

Mr. PAGE. Yes, sir.

Mr. DOYLE. As I recall it. At any time during the years or between the years 1934 and 1941 did you travel abroad?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. That, sir, is in that same period of 1934 to 1941, and I decline to answer on the same grounds.

Mr. DOYLE. Well, did you use your diplomatic passport any time from the years 1934 to 1941 to go to any foreign nation?

Mr. PAGE. That is the same question, and I give you the same answer.

Mr. DOYLE. Were you employed at all times during the years 1934 to 1941?

Mr. PAGE. The same question, sir. The same answer.

Mr. DOYLE. You formerly had an experience as a writer. Are you an author of some books or pamphlets?

Mr. PAGE. The only thing that I have done in the last 20 years is an article that appeared in the autumn issue of the Virginia Quarterly Review, entitled "The Political Role of Labor in Latin America."

That article was reprinted by the War Department as required reading for the National Military School in Washington.

Mr. DOYLE. That was about what year?

Mr. PAGE. That was about 6 months ago, sir.

Mr. DOYLE. As I recall it, you stated you were an instructor in political economy on occasions.

Mr. PAGE. No sir; I don't recall having made that statement.

Mr. DOYLE. Well, I misunderstood you.

Mr. PAGE. I think you must be mistaking me with this Albert Page.

Mr. DOYLE. During the years 1934 to 1941, were you an employee of any foreign government in any capacity, either all that time or any part of that time?

Mr. PAGE. That is that same period, sir, in which I decline to answer the question for the reasons given.

Mr. DOYLE. In other words, as I understand it now, Mr. Page—and I wasn't here at the opening of your testimony—as I understand it, there is a period of years in your lifetime, from 1934 to 1941, during all of which period you refuse to answer any question as to what you were doing or where you were; is that correct?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. Sir, I believe that my record will speak for itself, without having to explain or expand.

Mr. DOYLE. As I stated, I didn't have the benefit of being here when you first started your testimony. But I will ask you again, do I understand—and if I do understand, of course, I don't care to take your time or our time to ask you certain other questions—but as I now un-

derstand it, if I asked you any question about where you were or what you were doing or who your employers were, whether or not you were in any foreign country or anything else about who you were or what you were during that period, or what name you used between 1934 and 1941, you would decline to answer?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. Mr. Congressman, if you have some specific questions to ask me concerning that period, I shall either answer them or try to answer them.

Mr. DOYLE. Did you travel in Russia at any time during those years?

Mr. PAGE. I have never travelled in Russia in my life, sir.

Mr. DOYLE. Did you travel anywhere besides Spain during those years?

Mr. PAGE. Yes. It is a rather lengthy tale. I drove a Red Cross ambulance on the Italian front in World War I. I then returned and joined the United States Marine Corps.

In the summer vacation of 1920 I toured England—

Mr. DOYLE. This is before 1934. I am asking you during the period of 1934 to 1941. That is the period of time I am asking about.

Mr. PAGE. Very good, sir.

Mr. DOYLE. And only that period.

Mr. PAGE. During that period I do not believe that I left the United States except possibly for some—yes; twice some fishing at Guayamas.

Mr. DOYLE. I would like to have been there also.

Mr. PAGE. Yes, we might have had fun.

Mr. DOYLE. That is all.

Mr. JACKSON. Mr. Page, following your successful completion of the Foreign Service examination, did you have an oral interview following upon the written interview?

Mr. PAGE. Certainly sir.

Mr. JACKSON. With whom was that conducted?

Mr. PAGE. It is 25 years ago; I don't recall.

Mr. JACKSON. It is difficult I know, but you don't recall at this time who conducted the oral examination?

Mr. PAGE. Representatives of the Civil Service and State Departments. I think those were the only two organizations represented at the time.

Mr. JACKSON. Your immediate superior, I assume was the Consul General in Habana?

Mr. PAGE. Yes, sir.

Mr. JACKSON. Who was it at the time you were there, if you recall?

Mr. PAGE. A Mr. Leo Keener. I don't remember how he spelled his name.

Mr. JACKSON. Keener?

Mr. PAGE. I don't know, sir—

Mr. JACKSON. I think the record should show that the mention of these names should imply no connotation of Communist affiliation or activity on the part of those named. Who was Ambassador in Ecuador during your stay there, Mr. Page?

Mr. PAGE. Mr. Jackson, Mr. Chairman, you have already mentioned that the mention of these names should have no connotation. Why do we have to mention them?

You will find my name in the Foreign Service Register of that time, the Ambassador's name, and all of my colleagues, and all will be listed there.

Mr. JACKSON. I realize that. Unfortunately, we don't have a Foreign Service Register here at the present time. If you have any objection to mentioning them, I am not going to press the point.

Mr. PAGE. Yes, I should rather not.

Mr. JACKSON. Did you have any duty, any service in the State Department in Washington at any time, any prolonged duty?

Mr. PAGE. Well, the longest—really, the only real assignment I had in the State Department was from the late spring of 1943 to the fall of 1944, when I was in the Cultural Relations Division.

Mr. JACKSON. During your service with the State Department, Mr. Page, were you at any time a member of the Communist Party?

Mr. PAGE. Certainly not, sir.

Mr. JACKSON. At no time during your service with the State Department?

Mr. PAGE. At no time.

Mr. JACKSON. During the period of time that you were, I believe, secretary to the Lieutenant Governor of California, were you a member of the Communist Party?

Mr. PAGE. I decline to state, sir, on the grounds already mentioned.

Mr. JACKSON. Mr. Page, I can only say that I regret the position you have taken. I feel that it is within your ability to help the committee, the Congress and the American people, with some information which might be of great value to all of them.

You are a very intelligent man; a man, I am sure, of considerable ability.

I would certainly hope that if your perspective of this situation changes at any time in the future and you see things in perhaps a different light you will communicate with us. We are certainly not here to browbeat you or force anything on you.

Your constitutional privilege has been accorded you in all instances today, but I do leave that open invitation for the future, if the situation changes or your own opinions change I hope you will avail yourself of the forum offered by this committee.

Are there any further questions?

Mr. TAVENNER. No.

Mr. DOYLE. May I ask one question, Mr. Chairman?

Mr. Page, since 1941, which is the end of the period I believe you stated you didn't care to discuss, since 1941 are you aware of any activities, subversive activities of the Communist Party in the United States, which you could help us to understand?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. DOYLE. As to how they operate.

Mr. PAGE. Sir, that is such a broad question I wouldn't even—

Mr. TAVENNER. Will you speak a little louder? We can't hear you.

Mr. DOYLE. You know what the activities are, of course I mean just that. Are you aware since 1941, or, have you any advice or help to give this committee that has come to your personal knowledge and attention since 1941, of the activities of the American Communist Party or of leaders thereof since 1941?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. Sir, I have no advice or information of value to give the committee.

Mr. DOYLE. Well, have you any advice or information to give us—you may not think it is of value—but could you give us any informa-

tion you have about the activities of the American Communist Party since 1941 and let us judge whether or not it is of value?

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. My counsel advises me, sir, that it is too general a question and I agree with my counsel.

Mr. DOYLE. Of course, this committee, the congressional committee that you are meeting with is assigned the obligation of asking any question with reference to the subversive or un-American activities of any person.

I am asking you now if you have any knowledge of subversive activities of the Communist Party or any of its leadership or members since 1941, that has come to your personal knowledge.

(At this point Mr. Page conferred with Mr. Kenny.)

Mr. PAGE. Sir, I stated that I have not been a member of the Communist Party, not implying that I had been previously, but I have stated that I have not been a member of the Communist Party from 1941 to date. And therefore would have no opportunity to have any information to give this committee.

Mr. DOYLE. Of course, some people are not members of the Communist Party and do have opportunities to know how they are acting.

Mr. PAGE. I don't know about that, sir.

Mr. DOYLE. I thought possibly that you were one of those experienced Government employees who might have some knowledge that would be of benefit to your Congress.

Mr. PAGE. I am sorry, sir.

Mr. DOYLE. Since 1941.

Mr. PAGE. I am sorry, I don't have such information.

Mr. DOYLE. That is all.

Mr. JACKSON. Do you have any further questions, Mr. Counsel?

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. May I say, Mr. Page, that your rational, dispassionate, and courteous answers are appreciated by the committee. It has helped to expedite the matter and get it out of the way. You are excused.

Mr. PAGE. Thank you very much, sir.

Mr. TAVENNER. William Oliver.

Mr. JACKSON. Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. OLIVER. I do.

TESTIMONY OF WILLIAM E. OLIVER, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY

Mr. JACKSON. Be seated. Let the record show that for the purpose of hearing this witness and others to follow the subcommittee is reconstituted to consist of Mr. Doyle and chairman, Mr. Jackson.

Mr. TAVENNER. Will you state your name, please, sir?

Mr. OLIVER. My name is William E. Oliver.

Mr. TAVENNER. Are you also known by the name of Bill Oliver?

Mr. OLIVER. That is a nickname that is used, to which I answer.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. OLIVER. Yes; I am, sir.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. KENNY. Robert W. Kenny, also known as Bob.

Mr. TAVENNER. When and where were you born, Mr. Oliver?

Mr. OLIVER. I was born in Liverpool, England, April 23, 1894.

Mr. TAVENNER. When did you come to the United States?

Mr. OLIVER. I came to this country, United States, if I remember, about August 1910.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. OLIVER. I am, sir.

Mr. TAVENNER. When and where were you naturalized?

Mr. OLIVER. I was naturalized—do you mind if I look at my notes on it?

Mr. TAVENNER. That's perfectly all right.

Mr. OLIVER. I was naturalized in Alameda County in 1920, as I remember it. I think I am accurate on that.

Mr. TAVENNER. What is your profession?

Mr. OLIVER. I write.

Mr. TAVENNER. Are you employed as a writer?

Mr. OLIVER. I am.

Mr. TAVENNER. By whom?

(At this point Mr. Oliver conferred with Mr. Kenny.)

Mr. OLIVER. I am employed by a newspaper.

Mr. TAVENNER. More than one newspaper?

Mr. OLIVER. Not more than one newspaper.

Mr. TAVENNER. What is the name of the newspaper?

(At this point Mr. Oliver conferred with Mr. Kenny.)

Mr. OLIVER. It is an evening newspaper.

Mr. TAVENNER. Well, that isn't a very good indication of the name. What is the name of the newspaper?

(At this point Mr. Oliver conferred with Mr. Kenny.)

Mr. OLIVER. I suggest that since the last witness was excused from identifying his employer, in that connection I not be required to bring the name of my employer into the present query.

Mr. TAVENNER. So far as the last witness was concerned, he stated he was unemployed.

Mr. JACKSON. Is your employment a matter of public record, Mr. Oliver?

Mr. OLIVER. I have no knowledge of it being a matter of public record.

Mr. JACKSON. Do you write under a byline?

Mr. OLIVER. I have.

Mr. JACKSON. For what paper have you written?

Mr. OLIVER. A large afternoon newspaper.

Mr. JACKSON. Is the newspaper the Evening Herald-Express?

(At this point Mr. Oliver conferred with Mr. Kenny.)

Mr. OLIVER. I do so answer this question under protest, and do answer "Yes."

Mr. JACKSON. Mr. Counsel.

Mr. OLIVER. I would like to cite my reasons, if I may.

Mr. JACKSON. There is no question pending, I believe.

Mr. TAVENNER. How long have you been employed as a newspaper writer?

Mr. OLIVER. I have worked as a newspaper writer continually on the same job since September 1926.

Mr. TAVENNER. Do you specialize in any particular type of reporting?

Mr. OLIVER. Sir, I write a lot of things.

Mr. TAVENNER. Do you specialize in any particular type?

Mr. OLIVER. I would like to have the question clarified, as to what manner of reporting is intended.

Mr. TAVENNER. Are you a movie critic?

Mr. OLIVER. I am a drama critic, which covers the reviewing of motion pictures as well as other departments of public entertainment.

Mr. TAVENNER. A considerable part of your work has been that of reviewing moving pictures, has it not?

Mr. OLIVER. When you refer to "work" you are referring to my act of writing?

Mr. TAVENNER. I am referring to the character of work that you do as a writer for your paper.

Mr. OLIVER. A considerable part of the work I have done for the paper has been reviewing films, plays, and concerts.

Mr. TAVENNER. Have you been a member of the Los Angeles Newspaper Guild?

(At this point Mr. Oliver conferred with Mr. Kenny.)

Mr. OLIVER. I have, sir.

Mr. TAVENNER. Over what period of time have you been a member?

Mr. OLIVER. I would have to be very vague about the year in which I first became a member, but to the best of my recollection it was about the year 1935, 1936, or 1934. I would have to look at my union membership card, signed by Heywood Brown, to find out just exactly what the year was.

Mr. TAVENNER. How long did you remain a member?

Mr. OLIVER. I have been continually a member and am a member up to the present time, sir.

Mr. TAVENNER. Have you been engaged in the field of lecturing since you have been employed as a newspaper writer?

Mr. OLIVER. I would like to have the privilege of inquiring as to what the term "lecture" means, specifically.

Mr. TAVENNER. Have you lectured or talked to the California Labor School at any time?

(At this point Mr. Oliver conferred with Mr. Kenny.)

(Representative Donald L. Jackson left the hearing room at this point, 3:10 p. m.)

Mr. OLIVER. Sir, I will decline to answer that question under the protection of the fifth amendment.

Mr. TAVENNER. The committee has heard considerable evidence, Mr. Oliver, regarding the interest of the Communist Party in infiltrating the Los Angeles Newspaper Guild and endeavoring to control its policies and its activities.

It has heard evidence from a number of witnesses that there was a Communist Party cell organization composed exclusively of members of the Newspaper Guild of Los Angeles. One of the persons whom I believe was secretary of the guild at one time, testified that she was a member of this Communist Party group. Her name was Urcel Daniel. She testified before the committee on July 8, 1952. She described to the committee just how that Communist Party group operated and she gave to the committee, as well as other witnesses,

the names of the persons she could recall who were members of the Communist Party group, and who were also members of the Newspaper Guild.

I asked her this question:

"Question: Were you acquainted with Bill Oliver?" and her reply was, "Yes, I was."

"Question: Was he a member of your unit of the Communist Party, Miss Daniel?" and her answer was, "Yes."

"Question: How was he employed?" and Miss Daniel replied, "He was a movie reviewer for the Herald-Express."

Another witness who appeared before the committee stated that at one time she had been a member of the Communist Party and a member of this same group or cell of the Communist Party, composed exclusively of members of the Newspaper Guild in Los Angeles. Her name was Alice Judson, who was also known as Alice Bennett. She testified before the committee in Washington on May 22, 1952.

She said she had been a member of this Communist Party group between 1936 and 1942.

She was asked this question:

Question: Were you acquainted with a person by the name of Bill Oliver, Mrs. Bennett?

and her answer was:

Yes.

Question: Was he a member of the newspaper unit, Mrs. Bennett?

and she replied:

Yes, during part of the time that I was. It is my recollection that he joined after I was in the unit.

Question: How was he employed, Mrs. Bennett?

Answer: As a dramatic critic for the Herald-Express.

Were these two witnesses, Urcel Daniel and Alice Bennett or Alice Judson, correct in identifying you as a member of this unit of the Communist Party made up exclusively of members of the Los Angeles Newspaper Guild?

(At this point Mr. Oliver conferred with Mr. Kenny.)

Mr. OLIVER. Sir, I decline to answer that question under the provisions of the Constitution and I would like to briefly state the reasons for my declination.

I would like to say first that as has been stated here by Congressman Jackson, that the use of the provisions of the Constitution for the innocent has in itself by no means an implication of guilt.

I would like to further state that in answering anything but a declination to this question, it is my opinion that I will not be serving the purposes of this committee, but I will be a party to what seems evident to all people belonging to organized labor, in effect, is an attempt at union busting—an attempt to identify people active in the union.

Mr. TAVENNER. Let me interrupt you there. Do you think that this committee ought to ignore Communist Party membership in the labor unions just because there are labor unions?

Mr. OLIVER. I would like to proceed with my reasons, sir, if I may.

Mr. TAVENNER. Will you explain that?

Mr. OLIVER. That is, I believe, as has been stated, that it is a function of this committee to decide, whether rightly or wrongly, that it

is not my function to decide. I would like to proceed with my reasons, if I may.

Mr. JACKSON. I will make one observation, if I may, Mr. Oliver. This committee has had, in time past, and recently, the assistance and the help of American labor in attempting to rout out and disclose those who are agents of an international conspiracy which we know as communism.

Quite obviously those labor unions are not going to give any aid or assistance to any committee of Congress or to any group which seeks to bust the union. That is not the function of this committee. The committee has never inquired into the relationships between management and labor. We are concerned simply with finding out what Communist infiltration there has been and the nature and extent of it, and to that extent only do we enter into the field of organized labor.

Mr. OLIVER. Thank you, sir, for the expression of your opinion. But I would like to continue my reasons for declining.

Mr. JACKSON. You may.

Mr. OLIVER. And I don't think it can be fairly admitted that my reasons for declining are fully understood by the gentlemen of this committee until I have completed them. I use the words "union busting," I used in very advisedly, because I have seen the effect of this type of inquiry in the work of organized labor in unions, in active leaders, people working for unions being red baited under the present climate of hysteria, and the work that formerly was acceptable in these unions is now rendered ineffective.

I say this, because to me these pertain to the Los Angeles Newspaper Guild, of which I am proud to be a member, and of which I was president during the year 1944 and during which year the Los Angeles Newspaper Guild has a proud record of cooperation with the war effort and keeping the channels of communication open without any disturbance—excuse me. To whom am I addressing this, Counsel?

Mr. JACKSON. We are all listening to you.

Mr. TAVENNER. To the committee.

Mr. OLIVER. This organization which has a fine record of cooperating with the country in preventing interruption of labor and keeping the channels of communication open, and this organization which has raised the status of newspapermen in this town from a position of insecurity, from a financial status of \$25.50 a week for a family man, that I saw before the union was organized, to a condition of comparable security, where newspapermen can marry, raise families, buy homes and become a responsible part of the community.

I say I decline to be a party to this prying and this intrusion into the affairs of a union which has and can only result in a weakening of the union's reputation, the union's effectiveness, and the work of its leaders.

And I further decline because I regard this questioning into my writing and into the act and fact of my writing as an invasion of freedom of the press.

I do say that if at the present time a subpoena server can peer over my shoulder while I am sitting down editing copy, then tomorrow he can peer over the shoulder of the editor and the next day he can peer over the shoulder of the publisher sitting in his office and bring him to account before some such committee to account for what he prints, and who he sends the paper to.

I would like to call attention to the fact that on March 13 the Supreme Court handed down a unanimous decision reversing the conviction of Dr. Rumley for contempt of court for refusing to answer questions about the conduct of his publishing business. That was a decision that was unanimous and in which the Justices had many things to say. If you care for it, I can give you a full page from the Wall Street Journal as evidence on this decision upholding the decision as a restoration of the freedom of the press and the meaning of the first amendment.

My next reason that this is an invasion of the freedom of the press is that some years back if such questions had been asked me, I would have been unable to take part in the formation of a very important newspaper, a newspaper that got to the people of this community issues of a congressional election, namely, a paper called The Free Press, which I helped to organize and for which I wrote on my own time without any pay, and which helped to elect Congressman Doyle to the Congress.

Now, if this committee had existed at that time, Congressman Doyle would not have had the support or the advantage of the freedom of the press, because The Free Press which was gotten out would not have had a chance to have been circulated.

Mr. JACKSON. Do you seriously contend, sir, that with the Communist Daily Worker, the People's Daily World writing anything and everything they want to about this country, about our Congress, about this committee, about any citizen whom they choose to defame, that there is any limitation on freedom of the press in this country?

Mr. OLIVER. I am just pointing out.

Mr. KENNY. There is a lot of sideline coaching going on here, Mr. Jackson. You may not be able to hear it as I have, but there is someone behind me directing the witness to answer questions. Is that an agent of your committee? I am sure this officer saw who it was, and I think such a person should be ejected. She is usurping your function.

She said, "Answer the question."

Mr. JACKSON. I will assert my function in just a moment, Mr. Kenny, and that is to cut off any direct statements to the committee from counsel. You are aware of our rules.

Mr. KENNY. I was trying to assist you.

Mr. JACKSON. And I am now asking the audience again to please refrain from any comments, whether favorable or unfavorable.

Proceed, Mr. Oliver.

Mr. OLIVER. What was the question, please?

Mr. JACKSON. You were stating your reasons, I believe, for refusing to answer the question.

Mr. OLIVER. Bringing my name into these discussions as a movie critic, citing another reason now, points to another far-reaching result. I am certain it is unexpected byproduct of the activities of this committee, and by that I mean the serious deterioration that I have witnessed in the quality of public entertainment, not only in moving pictures, but on the stage and in other lines of the theatrical business.

I can speak as an expert, I think, having seen thousands of productions and films in the almost 27 years that I have been reviewing these productions. And since this committee started its operations in Hollywood, by some coincidence it seems that the best brains, the practitioners of the best arts have left Hollywood, and what we are getting

now is a series of trite, sterile, puffed up breakfast-wheat type of entertainment that reflects their own value by theaters that are almost denuded at times and which constitute a serious threat to the security of the businessmen whose livelihood depends on the full channels of public entertainment and the uncensorableness of the material that is provided the public.

I cite this because I do consider having given the greater part of my mature life to the public, the business of public entertainment that I have some concern over the effect of such questions as are being directed to me and to other workers in the field of public entertainment; on the quality, on the business, and on the enjoyment and the culture, the very culture of the American people.

That is the reason I decline to answer, in addition to the others. I think I can state more, but I don't wish to take your time. I just wanted to cite those reasons for declining, and, as I say, I will quote Congressman Jackson's words that the fifth amendment is for the innocent. It was put there by our Founding Fathers and I want to thank the circumstances which enable me or prompted me to study again and afresh and anew the Constitution and realize what a fine instrument it is, and what a bedrock it is to the essential democracy of our country.

Mr. JACKSON. As long as my statement has been mentioned again, I did say it was for the protection of the innocent. However, a lot of guilty people use it, so let us not feel that no one but the innocent uses the fifth amendment. That was not the intent of my remarks, and I want the record clear on that.

Mr. OLIVER. Sir, I don't associate with guilty people. I associate with innocent people. Perhaps you have more experience in that direction than I have.

Mr. JACKSON. Let me say in that connection there has been so much discussion about the fifth amendment that a few months ago when Trygve Lie of the United Nations was confronted with the problem of discharging from the United Nations those American citizens who refused to answer sworn testimony identifying them as members of the Communist Party, that he convened a commission of very distinguished jurists, one an American, one a Belgian, and one an Englishman, to study, as an impartial board of arbiters, the provisions of the American Constitution relating to self-incrimination.

Their report, when it was brought in, stated in unequivocal terms that 1 of 2 things were true when a person took the provisions of the fifth amendment to rely upon, either that his answer would incriminate him as charged or that he was misusing the intent and purpose of the fifth amendment.

And they further strengthened this statement by saying that the assumption of the provisions of the fifth amendment by a witness is in and of itself so liable to produce an assumption of guilt that the fact of a witness relying upon the amendment incriminating may not be later introduced in a subsequent court action as evidence.

Now, so much for the idea that everyone who takes the fifth amendment is an innocent man, because that certainly is not the case. Innocence would be better served by saying, "No, I have never been a member of the Communist Party."

Mr. OLIVER. I wish to be corrected if I made any impression that I considered everybody who uses the fifth amendment as innocent.

I simply state that the use of that amendment, as has been stated, is for the innocent. I am not acquainted with guilty people.

I thank you for the explanation in the United Nations case. I am sorry to say I could not quite follow the legal phraseology, because I am not a lawyer. I am an expert on motion pictures and theaters and concerts.

MR. JACKSON. I am not a lawyer either, but I can read and receive some definite impressions.

Do you have any further questions? Is there a question pending?

MR. TAVENNER. Mr. Chairman, this answer was involved and the fifth amendment was alluded to several times, but it is not clear in my mind at all that the witness has relied on the fifth amendment as a ground for his refusal to answer. I wanted to make certain about that.

(At this point Mr. Oliver conferred with Mr. Kenny.)

MR. OLIVER. Well, it is possible that in my studies of the Constitution at various times that I might not be quite clear. My understanding might not be correct, but it seemed perfectly clear to me that the fifth amendment was designed to protect citizens and people.

MR. TAVENNER. Yes, but do you rely upon that. That is my only question. You have discussed it, but do you rely on the fifth amendment as a ground for your refusal to testify?

MR. OLIVER. I decline to answer the question involved under the protection or on the basis or on the grounds of the fifth amendment. I thought I made that clear.

MR. TAVENNER. That makes it clear. Are you now a member of the Communist Party?

MR. OLIVER. I decline to answer that question on the grounds previously stated.

MR. TAVENNER. I have no further questions.

MR. JACKSON. Mr. Doyle.

MR. DOYLE. Mr. Oliver, you mentioned the case of Dr. Rumley, do you remember?

MR. OLIVER. Yes.

MR. DOYLE. I don't know what your information is, but you know, don't you, that he didn't appear before this committee; that it was not before this committee that Dr. Rumley appeared.

You don't imply in your statement that he appeared before this committee.

MR. OLIVER. No, sir.

MR. DOYLE. Well, I just wanted that to be corrected, because he appeared before the lobby investigating committee.

MR. OLIVER. The Buchanan committee.

MR. DOYLE. Of the United States Congress, and not before the House Un-American Activities Committee.

MR. OLIVER. I would like to make it clear I was not referring to the circumstances of which committee it was. I was referring to the circumstance of being held in contempt of court for refusing to answer on his activities as a publisher and as a disseminator of the news.

MR. JACKSON. I think there is a distinction to make in the Rumley case. He was asked to give a committee of Congress a list of his subscribers, which I think would be outside the scope of any committee.

Mr. OLIVER. And you asked to be given a list of witnesses and I was asked to give a list of people in the Los Angeles Newspaper Guild.

Mr. JACKSON. No, you were not asked that.

Mr. TAVENNER. You were asked if you were a member.

Mr. DOYLE. Now, may I make this observation? You used this language or what appears to have been an attempt to say "we were union busting."

Another witness used substantially the same language the other day, at which time I made a statement, and I want to make that statement again.

As a member of this committee, I certainly would not be interested directly or indirectly, nor in any way, nor to any extent in busting any union. I have been very proud of the fact that in all my elections to Congress I have been endorsed by the A. F. of L. and the CIO.

I know of no effort on the part of this committee, directly or indirectly, to bust unions.

Now, this is true, Mr. Oliver, that we do find, now and then in organized labor, subversive people who try to use the union to project the objectives of the Communist Party in the United States. In those cases we have to decide whether or not just because they are in a union we shall subpena them and get the truth.

We have to decide whether or not our investigators will investigate a man just because he happens to be a union leader. But we can't neglect our assignment from Congress in this investigation of subversive activities merely because a man is a union leader.

That, however, I wish to assure you, does not mean that we as individuals or as a group have any interest in busting a union. I am strongly in favor of the principles of collective bargaining, but I am very much opposed to subversive people getting into organized labor and using the unions to project the purposes of the Communist Party, subversive purposes.

I felt in view of your observation that it appeared to all persons that this committee was interested in busting unions and that I was entitled as a member of this committee to counter that because it is not a fact.

Mr. OLIVER. Thank you, sir. I would like to correct the application of the word "all." I think it must be understood that when I used the word "all," it refers to all interested people concerned with the effect of it upon the union. And furthermore I would like to add, and for your information, Congressman Jackson, that the striking coincidence affected me very strongly that just at this time when I should be called to answer questions about the union, which could or could not be damaging to the union itself, I being one of the active members of the union and one of the founding members of the union, that at this time two of the biggest dailies whose workers are members of the union are conducting negotiations for higher wages. I can't see how that is anything but indirectly affecting circumstances on the conduct of these negotiations.

Mr. DOYLE. No, no, Mr. Oliver. These hearings were set many, many weeks ago. Many, many weeks ago we gave public notice that we would be out in the Los Angeles area during this period of time.

Mr. JACKSON. At least 2 months.

Mr. DOYLE. At least 2 months ago. And certainly we had no notice then nor have we in between of any negotiations in organized labor.

May I say this: You would be surprised, if you don't know, you would be surprised at the number of union leaders in this area and other areas that come to us and say, "We want the help of your committee in helping us to uncover and reveal those subversive Communists in the union who are trying to take it over."

And we accepted those invitations if we have the time to make cooperative investigations with the union leaders. But I wish to say again, Mr. Oliver, that I know of no case in the years I have been on this committee where, directly or indirectly, this committee has been a knowing part to bust a union or to weaken a union.

Now, if it weakens a union to uncover subversive Communists in the union, then naturally the union would be weakened. But we are not going to stop in the field of labor merely because it happens to be organized labor.

MR. OLIVER. I think I made my opinion clear by relating the facts with reference to personnel in the unions, and comparing the modern union with the unions in the past.

I say the present activities of the committee results in this type of thing which I do not think is correct. I do not think that it is correct for a Congressman to allow himself to be drawn into the affairs of a union either by the invitation of a member of the union. It doesn't seem to me to be good union practice; it doesn't seem to me to be the kind of use of organized labor that is intended by the workers or by the very laws which govern the operation of unions in this country.

MR. DOYLE. Let me ask you this question: If you knew of a person in your union who was a member of the Communist Party of the United States, and had subversive intentions, and you knew from your personal knowledge that that person in your union was loyal to the dictates of Moscow as contrasted to his duty to the American people, would you be silent on that person merely because he was a member of your union or would you reveal the activities of that subversive person to the Government authorities, if that is a fair question?

I am not trying to put you on the spot. I am trying to meet your suggestion that we shouldn't investigate unions.

MR. OLIVER. Sir, that is a rather complicated question, a tenuous question. It is a very different question.

MR. DOYLE. You may cut it up and answer it that way.

MR. OLIVER. Our distinguished leader once said, "I will say this. 'I will fight by all legal means anybody in the union or out who performs any acts that are against the interests of the union and organized labor,'" and I think you must take that as a corollary against the interest of citizens of this country.

MR. JACKSON. With what labor organization is the Newspaper Guild affiliated?

MR. OLIVER. The Los Angeles Newspaper Guild is local 69 of the American Newspaper Guild.

MR. JACKSON. Is there any international affiliation? I mean, is it AFL or CIO?

MR. OLIVER. It belongs to part of the Congress of Industrial Organizations, CIO.

MR. JACKSON. Well, I gather that you are in favor of the policies of the CIO.

MR. OLIVER. I was hoping that this would not be brought up, because I don't have the resolutions with me, but countless resolutions have

been passed by the CIO and the American Newspaper Guild on this.

Mr. DOYLE. Then you agree with the CIO in that regard?

Mr. OLIVER. I would rather answer to a specific statement.

Mr. DOYLE. All right. Do you agree with the action of the CIO in expelling a number of unions from membership because of Communist domination?

Mr. OLIVER. I would say that such an act is unconstitutional.

Mr. DOYLE. Let us not rule on the constitutionality of it. Do you agree with the action of the CIO in expelling Communist unions?

Mr. OLIVER. Well, I think—I think you misunderstood that when I raised the question of constitutionality, that I was raising or forcing my own opinion on that.

I think that is eminently un-American to separate, divide the labor movement on the basis of political beliefs and practices.

Mr. JACKSON. Mr. Oliver, let me say that we have hundreds of thousands of words of testimony in the record of this committee, all of which indicate beyond any peradventure of a doubt that Communists in a labor organization take the directives of the Communist Party as basic policy. The directives of the international union don't make a bit of difference, as compared with the policy and directives which are handed down by the Communist Party.

For my part, I think it is the better part of wisdom and good judgment to boot the Communists out of the unions at the earliest possible opportunity.

Mr. DOYLE. I hope the CIO will keep on kicking Communists, individuals, and groups of individuals out of the leadership or membership of the CIO union.

Mr. OLIVER. Would you destroy the patient to cure a boil?

Mr. JACKSON. The Communist cancer will kill any organism in which it takes root.

Mr. OLIVER. You would kill the patient, anyway?

Mr. JACKSON. It is going to kill the patient. It is going to kill American labor unions faster than any union-busting activities alleged to be carried on by this committee.

Mr. OLIVER. I think you will find that unions will do very well in this town if you leave them alone.

Mr. JACKSON. The unions have done very well, and we wish them well.

Mr. OLIVER. Thank you.

Mr. JACKSON. Are there any further questions?

Mr. TAVENNER. No, sir.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. JACKSON. The witness is excused.

The committee will take a 5-minute recess.

(Whereupon, at 3:41 p. m., a recess was taken until 3:52 p. m.)

(Whereupon, the committee reconvened at 3:52 p. m., with Representatives Donald L. Jackson and Clyde Doyle present.)

Mr. JACKSON. The committee will come to order.

The Chair feels he must again admonish those in the audience against any audible comments. Comments have been audible here at the committee table.

The Chair would again state that we hope it will not become necessary to eject anyone from the committee room. We ask the cooperation of all present, in refraining from applause or making any audible comments during the course of testimony.

Who is your witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Chairman, before calling the next witness, may I refer to one matter here for the record?

Mr. JACKSON. Yes.

Mr. TAVENNER. A message has been received from Jack Engelhardt at the Veterans' Hospital, M. D., which I assume is Medical Detachment, in which he states he is not the person mentioned in the course of testimony earlier in the course of this hearing.

Mr. JACKSON. So note it in the record.

Mr. TAVENNER. I think it may be well, Mr. Chairman, to recall at this time Rose Posell.

Mr. JACKSON. Mrs. Posell, come forward, please.

Let the record show that the subcommittee of two, Mr. Doyle and Mr. Jackson are present and in the hearing room for the purpose of hearing testimony from this witness.

I am going to ask you to be sworn again.

Do you solemnly swear the testimony you will give before the subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. POSELL. I do.

TESTIMONY OF ROSE POSELL (RECALLED), ACCOMPANIED BY HER COUNSEL, WILLIAM B. ESTERMAN AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please?

Mrs. POSELL. Rose Posell.

Mr. TAVENNER. Are you accompanied by counsel?

Mrs. POSELL. Yes; I am.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall.

Mr. ESTERMAN. William B. Esterman.

Mr. TAVENNER. Identifying questions were asked you earlier this afternoon and I see no point—

(At this point Mrs. Posell conferred with Mr. Esterman.)

Mr. TAVENNER. In repeating those questions now. So I will ask you the question which was pending at the time you were temporarily released from the witness chair.

Were you at any time a member of a group or unit of the Communist Party in Los Angeles, made up exclusively or for the most part, at least, of members of the teaching profession who were also members of the American Federation of Teachers?

Mrs. POSELL. Is that the question?

Mr. TAVENNER. Yes.

Mrs. POSELL. Pardon me just a moment.

(At this point Mrs. Posell conferred with Mr. Esterman and Mr. Marshall.)

Mrs. POSELL. Mr. Chairman and members of the committee, I will not answer this question nor any other question like it for the following five reasons: I feel, first of all, that the question you are asking me—

Mr. JACKSON. Just a moment.

Mr. ESTERMAN. Let her finish, please.

Mrs. POSELL. I would like——

Mr. DOYLE. I think, counsel, you are well aware—you have made many appearances before this committee—that the necessary requirement we found necessary to make is that the witness first state whether or not they answer “Yes” or “No” or decline to answer, and having declined to answer, then they can take their reasonable time to give their reasons.

Mr. ESTERMAN. Are you interrupting her again? Because the law doesn’t say that.

Mr. DOYLE. It is the rule of this committee and that is the way we proceed.

Mr. Chairman, I ask that the witness be directed to make an answer to the question first——

(At this point Mrs. Posell conferred with Mr. Esterman.)

Mr. DOYLE. And then take her good time to give the reasons.

Mr. JACKSON. The witness is so directed to answer the question.

Mrs. POSELL. I think I have prefaced my remarks with saying I will not answer the question. You can construe that to mean what you wish.

Mr. JACKSON. Very well. It is construed to be a refusal to answer the question and the witness may proceed.

Mrs. POSELL. Thank you. First of all, the question you are asking me is an invasion of my personal freedom, freedom of belief, freedom of association, freedom of speech, and also my freedom to be silent.

I regard this as much as invasion of those freedoms as if you had opened my ballot after I had voted.

As a certificated teacher I have already taken several oaths and made affirmations as to my loyalty. When I received a teaching credibility I swore to uphold and defend the Constitution. On becoming a certificated teacher I again took the same oath.

In 1948 there was another loyalty reaffirmation given by the Los Angeles City Board of Education, and in 1950 I took the State Levering oath. I don’t feel this committee has any power to exact from me any further oaths or expurgations or declarations.

Furthermore—this is my second point—as I understand it, the purpose of this committee is to investigate subversive activities in order to propose legislation to be considered by the Congress. Since legislation pertaining to education in the State of California is exclusively within the domain of the State, this committee has no power to investigate or to inquire in area where it cannot legislate.

I refer you to the 1st, 9th, and 10th amendments of the Constitution.

This is my third point: As a teacher I have always felt keenly about the Constitution and how it originated. I felt that my pupils should know about it, should know how to uphold it and defend it. I taught them they have certain rights and privileges and protections under the Constitution.

Just this last Christmas my class gave, in lieu of a Christmas program, a program on the Bill of Rights, in which they had a thorough foundation and understanding of the Constitution.

I would be a very poor example of a teacher if I didn’t do my duty and invoke the Constitution to protect my rights as an individual and as a citizen living in our American democracy. This same

Constitution, which I have sworn to support and defend, includes in it the fifth amendment, with the provision that no American may be compelled to bear witness against himself. And, of course, I must assert that provision and do everything I can to prevent you repealing it.

And furthermore, gentlemen, I hope that the present international developments will lead to a lasting peace, to a peace that will erase all hatreds from everyone's heart, from all people's hearts, so we can live together like brothers, and there will be no further need for this committee. That is my statement.

MR. TAVENNER. I have no further questions, Mr. Chairman.

MR. DOYLE. Mrs. Posell, I think, in view of your second reason, if I may discuss that with you very briefly—

(At this point Mrs. Posell conferred with Mr. Esterman.)

MR. DOYLE. You said this committee has no power to legislate in the area of education. Well, that is correct. We are not undertaking to investigate nor to legislate in the area of education. You are quite right.

But, of course, we are authorized to investigate in the area of subversive conduct, even though it happens to be employees of any area of education. I just wanted to make that clear.

We don't claim that we have the right to legislate in the field of education. The Federal Government doesn't so claim and never has claimed.

We recognize, of course, the matter of education is a State and local community problem. But that doesn't mean, and I wish to make clear to you on your second reason, that we recognize at all times that we should not be barred as a national committee or a committee of the National Congress from investigating subversive people or programs or activities, even though it happens to be that they are paid by the local taxpayers. I wanted to make that difference clear to you, in view of your second reason.

MR. JACKSON. Mrs. Posell, you said during the course of your statement, which you read, that you have taken a number of oaths. Is that correct?

MRS. POSELL. Yes.

MR. JACKSON. Did any of those oaths state that you were not now nor had ever been a member of any organization dedicated to the overthrow of the Government by force and violence?

(At this point Mrs. Posell conferred with Mr. Esterman and Mr. Marshall.)

MRS. POSELL. I wouldn't like to answer that question unless I saw the oath itself, because that was a long time ago and I would like to read it first, before I give an answer.

MR. JACKSON. I believe the Levering oath was passed by the people of the State of California last November. When did you take it?

MRS. POSELL. 1950.

MR. JACKSON. 1950?

MRS. POSELL. Yes.

MR. JACKSON. You do not recall whether that contained an affirmative statement that you are not now nor have you ever been a member of the Communist Party?

MRS. POSELL. I do not recall.

Mr. TAVENNER. Would you take such an oath as required by the authorities of the State of California?

Mrs. POSELL. I would not like to answer that question. I have taken all of these oaths.

Mr. TAVENNER. Well, that is hardly responsive to the question. However, I shall not belabor the point. I have no further questions.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. JACKSON. The witness will be excused.

Mr. TAVENNER. Call Mr. Looschen.

Mr. JACKSON. Raise your right hand and be sworn.

You solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. LOOSCHEN. I do.

Mr. JACKSON. Sit down, please.

TESTIMONY OF JOHN LOOSCHEN, ACCOMPANIED BY HIS COUNSEL, BEN MARGOLIS

Mr. TAVENNER. What is your name, sir?

Mr. LOOSCHEN. John Looschen.

Mr. TAVENNER. Will you spell your last name, please?

Mr. LOOSCHEN. L-o-o-s-c-h-e-n.

Mr. TAVENNER. When and where were you born, Mr. Looschen?

Mr. LOOSCHEN. Born in Dodge County, Nebr., 1899.

Mr. TAVENNER. Where do you reside?

Mr. LOOSCHEN. Los Angeles County.

Mr. TAVENNER. Los Angeles County is rather indefinite. What area?

Mr. LOOSCHEN. The Malibu area.

Mr. TAVENNER. What is your occupation?

Mr. LOOSCHEN. I am a general building contractor.

Mr. TAVENNER. Will you tell the committee, please, what your formal education and training has been?

Mr. DOYLE. Is he represented by counsel?

Mr. TAVENNER. I am afraid I omitted to ask that question. Are you accompanied by counsel?

Mr. LOOSCHEN. Yes, I am.

Mr. TAVENNER. Will Mr. Looschen's counsel please identify himself for the record?

Mr. MARGOLIS. M-a-r-g-o-l-i-s, Ben Margolis.

Mr. LOOSCHEN. I went to grammar school and high school.

Mr. TAVENNER. Where?

Mr. LOOSCHEN. High school in Pomona, grammar school most of the time in Pomona. I guess a year or two here in Los Angeles.

Mr. TAVENNER. How long have you lived in Los Angeles County?

Mr. LOOSCHEN. Since 1905.

Mr. TAVENNER. What has been the nature of your employment since 1934?

Mr. LOOSCHEN. On the payroll of Twentieth Century-Fox Studio up until 1945. I might have been away from there for short periods of time once in a while.

Mr. TAVENNER. When did your employment begin with Fox Studio?

Mr. LOOSCHEN. I can't say exactly. Probably 1928.

Mr. TAVENNER. What was the nature of your employment?

Mr. LOOSCHEN. Carpenter, carpenter-foreman part of the time.

Mr. TAVENNER. Now, were you what was known as a backstage worker? Was that the general classification?

Mr. LOOSCHEN. I guess that would be all right. I didn't know there was any particular classification about it.

Mr. TAVENNER. Mr. Looschen, do you know of or have any knowledge as to whether there was a group of persons banded together as a group of Communist Party members within the Fox Studio unit composed of persons who had the same general classification of work as yours?

Mr. LOOSCHEN. I will have to decline to answer that question. My reasons are not too difficult, I think, to understand. It should be clear enough to anybody, that if all the witnesses who have been called up before this committee had cooperated with the idea—with the committee—I believe in that case that the fifth amendment, excuse me, the Bill of Rights, would be a thing of the past and for that reason, that personal reason, I refuse to answer the question.

I think the question interferes with my rights of free speech, freedom of thought, freedom to read what publications I desire, and inquires into my ideas illegally.

Also I think it violates my rights under the fourth amendment and the sixth amendment.

I decline to answer, citing the privilege of the fifth amendment not to be a witness against myself.

Mr. TAVENNER. Have you at any time been a member of the Communist Party group or unit composed of workers from the Fox Studio unit?

Mr. LOOSCHEN. That is the same question and my answer is the same.

Mr. JACKSON. And for the same reason?

Mr. LOOSCHEN. The same reason, yes.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. No questions.

Mr. JACKSON. Any reason why the witness should not be excused?

Mr. TAVENNER. No.

Mr. JACKSON. It is so ordered. Call your next witness.

Mr. TAVENNER. Mr. Albert.

Mr. JACKSON. Please raise your right hand.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ALBERT. I do.

Mr. JACKSON. Be seated, please.

TESTIMONY OF SAM ALBERT, ACCOMPANIED BY HIS COUNSEL, WILLIAM B. ESTERMAN AND DANIEL G. MARSHALL

Mr. ALBERT. May I ask counsel if my attorneys may interrogate the witnesses who appeared against me?

Mr. TAVENNER. You will have to address your request to the chairman.

Mr. ALBERT. Pardon me.

Mr. JACKSON. As I stated on several other occasions heretofore, it is not in accord with the rules of the House of Representatives or of the standing committees of the House to cross-examine witnesses.

If you have a prepared statement which you wish the committee to consider we will be happy to receive it.

Mr. ALBERT. No, I do not have a prepared statement.

Mr. TAVENNER. What is your name, please, sir?

Mr. ALBERT. My name is Sam Albert.

Mr. TAVENNER. Will you spell your last name?

Mr. ALBERT. A-l-b-e-r-t.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. ALBERT. Yes, I am.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall.

Mr. ESTERMAN. William B. Esterman.

Mr. TAVENNER. When and where were you born, Mr. Albert?

Mr. ALBERT. I was born in Norfolk, Va., December 23, 1903.

Mr. TAVENNER. What is your occupation?

Mr. ALBERT. I am a musician.

Mr. TAVENNER. Will you state to the committee, please, what your formal educational training has been and preparation for your vocation?

Mr. ALBERT. Yes. I had the equivalent of about three and a half years of high school and then I studied at the Royal Academy of Music, from which I graduated, in Budapest.

Mr. TAVENNER. When were you graduated in Budapest?

Mr. ALBERT. In 1927.

Mr. TAVENNER. Will you describe for the committee a little more fully what is the nature of your work? It has been the work of a musician?

Mr. ALBERT. Yes. I have been a working musician, a violinist, for 25 years in the city of Los Angeles. I am identified with the cultural life of this community and I am very proud of it.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. ALBERT. I have lived in Los Angeles since 1927.

Mr. TAVENNER. Mr. Albert, during the course of the hearings conducted by the committee in this area, Mr. Martin Berkeley appeared as a witness. He testified on September 19, 1951, that he had been a member of the Communist Party from 1936 to 1943, and during the course of the testimony he identified you as a person known to him to have been a member of the Communist Party.

My first question is, was he correct in his identification of you as a member of the Communist Party?

(At this point Mr. Albert conferred with Mr. Esterman.)

Mr. ALBERT. Would it be possible to have Mr. Berkeley come here and testify so that my attorneys could cross-examine him?

Mr. TAVENNER. That is the same question which you asked the chairman a few minutes ago.

Mr. JACKSON. I will give the same answer to the question. If the statement or the allegations are false, the simplest thing in the world for you to do is say, "No, it is not the truth."

Mr. ALBERT. Do you decline to answer my question?

Mr. JACKSON. You have no standing so far as questions are concerned. Let me make that clear. You are here to answer questions based upon information which we have which indicates that you have had association with the Communist Party.

Mr. ALBERT. In other words, you say that it is impossible for me to interrogate those people who have accused me?

Mr. JACKSON. At the present moment I don't know who those people are myself, aside from Mr. Berkeley. However, you are privileged to say Mr. Berkeley is a liar, that it is false, and thereby you can certainly place yourself on record as disassociating yourself with the Communist Party.

Mr. ALBERT. Well, Mr. Jackson, I will give my own answers.

Mr. JACKSON. Very well; let us get along to them, then.

Mr. ALBERT. I decline to answer that question, sir, and I hope you will bear with me because I am a musician. I am not as articulate as many of the wonderful people who have appeared here before you.

I decline to answer this question because you are inquiring into my right of association, into my right to think, to read, and to act as an American.

And I have acted as an American, a free American, for nearly 50 years, and I hope that I will be able to continue to act so.

But, as a musician, I feel things perhaps a little bit more intensely than other people, and I feel that this committee has created an atmosphere in America of fear and intimidation which reacts not only upon me but on every American.

There are 15,000 musicians in the local, in the musicians' local in Los Angeles. There are 3,000 who are possibly working and the right—I must read part of this, of the first of it—to petition being one of the most important rights I think in the Constitution and is being infringed by this atmosphere which is being created by the committee.

I think people are actually afraid to get up and petition for what they think is right.

May I have some water, please?

Mr. DOYLE. Yes, indeed.

Mr. ALBERT. Thank you very much.

There are many grievances that musicians have, but within that atmosphere they don't express them, just the concept, which is a prevalent one in America, and I am sure this committee is conscious of that—"Don't say that, you will be called a name." That is a very common saying today, and I think it is a disgrace upon American freedom to even have this concept creep into American thought.

Mr. ESTERMAN. Put it on the table if you want to.

Mr. ALBERT. It is my notes. My other reasons are that, since this committee has not seen fit to allow me to cross-examine the witness who has made accusations, I will decline on the basis of the sixth amendment—and also within that sixth amendment the amendment states that the right to a speedy and public trial is part of the American Constitution.

I have waited around here for nearly a year to appear before this committee. Certainly there can be nothing sinister about a person who is allowed to participate in a community for an entire year without bothering, after having given him a subpoena, to have him appear before this committee.

I also decline, of course, on the fifth amendment—on all of the fifth amendment—and finally I decline on the basis of the ninth and tenth amendments, which state that those rights not specifically given to the Federal Government and to the States are given to the people.

I have lived in this community since 1927. I am not a fly-by-night character. I give the privilege of thinking whatever they want to think about me to the people of Los Angeles. Let them judge me, those people who know me.

Mr. JACKSON. Does that complete your reasons?

Mr. ALBERT. Yes.

Mr. TAVENNER. Mr. Albert, the committee has information that there was a group of the Communist Party established here in Los Angeles composed exclusively of musicians. Were you a member of such a group?

(At this point Mr. Albert conferred with Mr. Esterman.)

Mr. ALBERT. May I know where you got this information, sir?

Mr. TAVENNER. No, sir.

Mr. ALBERT. Well, then, I decline to answer on the previously stated grounds.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. JACKSON. Mr. Doyle.

Mr. DOYLE. I think I do have a couple of questions, Mr. Albert.

Naturally, as an American, I want to congratulate you upon your achievements in the musical world, graduating from German and Budapest conservatories.

Mr. ALBERT. Thank you, sir.

Mr. DOYLE. And I wish to say very frankly that I can understand how you as a musician, a cultured musician and expert violinist for some 25 or 30 years in Los Angeles, would perhaps, as you say, feel more intensely than some other person. I can understand that.

Now, we are here—this subcommittee is here—under Public Law 601. Were you in the hearing room and heard a previous discussion of that?

Mr. ALBERT. Yes; I did.

Mr. DOYLE. I don't want to take your time nor the committee's time to restate it, if you were here and heard it. I thought I saw you. So, you are aware of the text of that public law.

Now, being as how we are here under Public Law 601 of the United States Congress on an express responsibility to investigate the extent and the origin of subversive activities in the United States, of course that means in the Communist Party or any other group. It may not be confined to just the Communist Party. There may be other subversives. No doubt there are.

But you criticize the function of this committee. It is a committee of your United States Congress. Have you any suggestions of what the United States Congress could do to investigate the extent of the activities of the Communist Party in the United States except by a committee? How would you go about it?

Mr. ALBERT. Well, Mr. Doyle, I am a musician. I realize that I am up here under oath and am under subpena. I am not as articulate as I could be, and I do not know the law as you do. I would be very glad to discuss this subject and any subject, perhaps, with you. There are subjects that I know a little better than you do, perhaps.

I would be very glad to discuss them outside of this committee room. But I am at a disadvantage sitting up here before this committee. You can make whatever statements you wish and I cannot. I am limited in my statements.

Mr. DOYLE. I intended my question to be fair.

Mr. ALBERT. I realize that. I appreciate that.

Mr. DOYLE. Do you feel the question is fair?

Mr. ALBERT. It is a fair question, but I don't think this is my forum. I cannot answer this question here because there are too many legal aspects to this thing which as a musician I do not understand and I cannot participate in on an equal basis with you.

Mr. DOYLE. Well, I certainly don't want you to feel that you are placed in a position unfavorable and unfair to you. Of course, I recognize you have able counsel to advise you.

Mr. ALBERT. Perhaps they could answer the question.

Mr. MARSHALL. Will be glad to.

Mr. DOYLE. They are not qualified to be witnesses before this committee.

Mr. ESTERMAN. You thought so last fall.

Mr. DOYLE. But I was wondering as long as you do have your several reasons written down as to why—

Mr. ALBERT. No, sir, I didn't have any reasons written down. This is the Constitution of the United States. It is one sheet of paper.

Mr. DOYLE. Then I realized you said you had been subpoenaed for about a year.

Mr. ALBERT. That is right.

Mr. DOYLE. And I am looking for a helpful answer from you, sir, as an unusual person, because you do represent cultural life.

Mr. ALBERT. Well, Mr. Doyle, the only thing that I can think of is that this committee dissolve itself, because I think that the atmosphere which has been created in America is not conducive to a continuing free speech and atmosphere of broadening.

Mr. DOYLE. Well, you say dissolve itself. How then shall the United States Congress, which has found under Public Law 831 that there is a worldwide Communist movement, which is an international conspiracy, how then shall the United States Congress fulfill its obligation to protect the American people against the international conspiracy? What shall we do as Congressmen?

Mr. ALBERT. Mr. Doyle, I have lived in the United States even when there was no committee in existence, and I think we had a good country. I think under President Roosevelt we had a broadening of the democratic principles in America and before the committee was organized.

I don't think that it is absolutely necessary to have a committee in order to have a democratic America.

Mr. DOYLE. Now, do you agree with Congress in its declaration in Public Law 831 that there does exist a worldwide Communist movement which is a conspiracy against the American way of life as we have it? Do you agree with Congress on that declaration?

(At this point Mr. Albert conferred with Mr. Esterman and Mr. Marshall.)

Mr. ALBERT. Well, Mr. Doyle, I don't know how to answer this question. It is a legal question and it is one that I as a musician find very difficult to answer.

(At this point Mr. Albert conferred with Mr. Esterman and Mr. Marshall.)

Mr. DOYLE. I wish to say that I do not agree with you. It is not a legal question. I asked you whether or not you agreed with that declaration of Congress in connection with which this committee is here functioning?

Mr. ALBERT. Well, Mr. Doyle—

Mr. DOYLE. Now, if you say the committee should be dissolved, that is pretty good evidence that you have thought seriously about the problem. Now, how else would you handle the problem? Perhaps you think there is no problem. But if you do think there is a Communist conspiracy to overthrow this form of government by force and violence, we would like to have your answer.

But if you do not think there is such a conspiracy, then I can understand your answer.

(At this point Mr. Albert conferred with Mr. Esterman and Mr. Marshall.)

Mr. ALBERT. Mr. Doyle, I think perhaps the best way would be to turn it over to the law-enforcement forces in America and let them handle the situation. As far as the rest of it is concerned, I say I am at a disadvantage in speaking with you. You are a lawyer. I am a musician. I cannot use legal terminology and I am here under subpoena. I am here under oath. I have to watch every word that I say, and I cannot speak freely as I would like to speak about this. Under other circumstances I would probably be a little more eloquent about this, but I can't now.

Mr. DOYLE. I am glad you feel my questions are fair. I will not press them any further.

Mr. ALBERT. Thank you, sir.

Mr. JACKSON. Is that all, Mr. Doyle?

Mr. DOYLE. Yes.

Mr. JACKSON. Just several comments that I would like to make with respect to the statement that was made by the witness. I would like to have it made crystal clear we are not attempting to inquire into your thought processes. We are not attempting to inquire into your personal activities, or your religious faith.

You have been asked questions regarding one aspect, which is within the proper scope of this committee to inquire about. And that is your alleged associations with the Communist Party. That is the only area in which we have any desire to delve.

Mr. ALBERT. Mr. Jackson, the whole atmosphere in America, I think, and this is obvious to you, every American within the last 10 years has changed considerably.

I think this is a commentary on the things that have happened in America, that they just haven't happened without anything going on, and I think this committee is partly responsible for this.

Mr. JACKSON. If there is any hysteria throughout the country, the hysteria is not with the committee. The hysteria is with a lot of people waving their arms and beating their breasts and crying out about civil rights. This same hysteria has been the destruction of every civil right for many free people who once enjoyed them. If there is hysteria, it is not with the committee.

I think the committee has conducted itself with notable absence of hysteria. And, incidentally, when it comes to name-calling, if you

or any witness is subjected to one-tenth of the names that have been used to describe the members of this committee, then you would have some justification for your statement.

Mr. ALBERT. I did not describe the committee, members of the committee, as calling names.

Mr. JACKSON. You didn't. You said there was name-calling going on. We have developed a certain immunity to that in the committee.

You said we had a democratic country a few years ago. I say there was a tremendous espionage ring in Washington during the period to which you refer as a "democratic" era, an espionage ring—stealing secret information from our Government and transmitting it to agents of the Soviet Union. That is certainly not an expression of a healthy situation.

Mr. ALBERT. Mr. Jackson, I hope you don't imply that you are assuming I am part of any of the things you have just said.

Mr. JACKSON. I say no economy, no nation can be safe where a thing of that sort is going on. I am not suggesting you were in any way implicated.

Mr. ALBERT. Thank you, Mr. Jackson.

Mr. JACKSON. You were asked a question, whether you are a member of the Communist Party and you declined to answer. There is no accusation intended, other than that.

(At this point Mr. Albert conferred with Mr. Esterman.)

Mr. TAVENNER. The specific question, as to whether he is a member of the Communist Party, was not asked.

I would like to ask him now: Are you a member of the Communist Party?

(At this point Mr. Albert conferred with Mr. Esterman.)

Mr. ALBERT. Isn't that the same question you asked me before, sir?

Mr. TAVENNER. No, sir.

Mr. ALBERT. Well, I give you the same answer. I incorporate all of the statements that I made before, all of them, into the answer.

(At this point Mr. Albert conferred with Mr. Esterman.)

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. ALBERT. I refuse to answer this question on the same grounds.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. JACKSON. The witness is excused.

I should like to read into the record at this point, in order there may be a clear understanding of the facts, that the Federal Bureau of Investigation and the House Committee on Un-American Activities perform two separate functions. This is best testified to in the words of J. Edgar Hoover, the Director of the Bureau, who stated in 1947, and I quote:

There is no area of duplication or of overlapping in the work performed by the FBI and the House Committee on Un-American Activities. This is best indicated by the words of Mr. Hoover, himself.

"The aims and the responsibility of the House Committee and the FBI are the same—protection of the Internal security of the Nation. The methods whereby this goal may be accomplished differ, however. I have always felt that the greatest contribution this committee could make is the public disclosure of the forces that menace America."

The committee will stand in adjournment at this time until 9:30 a. m., on tomorrow.

(Whereupon, at 4:30 p. m., the hearing was recessed until 9:30 a. m., Wednesday, April 8, 1953.)

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES AREA—Part 4

WEDNESDAY, APRIL 8, 1953

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.

PUBLIC HEARINGS

The Committee on Un-American Activities met, pursuant to adjournment, at 9:40 a. m., in room 518, Federal Building, Hon. Donald L. Jackson (acting chairman) presiding.

Committee members present: Representatives Donald L. Jackson (acting chairman) and Clyde Doyle.

Staff members present: Frank S. Tavenner, Jr., counsel; Thomas W. Beale, Sr., chief clerk; and William A. Wheeler, investigator.

Mr. JACKSON. The committee will please be in order.

Pursuant to the authority contained in Public Law 601, the chairman of the Committee on Un-American Activities has appointed a subcommittee of two members, Mr. Doyle and Mr. Jackson. The Chair will again ask the cooperation of the audience in refraining from any expression of approval or disapproval or audible comments of any kind.

Who is your first witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Murry Wagner.

Mr. JACKSON. Do you solemnly swear the testimony you are about to give, to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WAGNER. I do.

TESTIMONY OF MURRY WAGNER,¹ ACCOMPANIED BY HIS COUNSEL, DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, sir?

Mr. WAGNER. Murry Wagner.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. WAGNER. Yes; I am.

Mr. TAVENNER. Will counsel please identify himself?

Mr. MARSHALL. Daniel G. Marshall.

Mr. TAVENNER. When and where were you born, Mr. Wagner?

Mr. WAGNER. I was born in Brooklyn, N. Y., in December 1914; December 17, 1914.

¹ This witness uses both spellings, M-u-r-r-y and M-u-r-r-a-y Wagner.

Mr. TAVENNER. Where do you now reside?

Mr. WAGNER. I reside in Van Nuys, Calif.

Mr. TAVENNER. How long have you lived in California?

Mr. WAGNER. Since August of 1938.

Mr. TAVENNER. What is your occupation?

Mr. WAGNER. I do radio announcing.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has consisted of?

Mr. WAGNER. The elementary and high schools of New York City. Education at the college level in the public colleges of New York City, and some work at the extension——

Mr. TAVENNER. What colleges in New York City?

Mr. WAGNER. Brooklyn College, College of the City of New York, UCLA extension division. My college education has extended over a period of about 11 years, chronologically. I was never able to quite get a degree because my work was all gotten at night, supplementary to my working for a living.

(At this point Mr. Wagner conferred with Mr. Marshall.)

Mr. WAGNER. Also, I might add I took a year of legal education at Loyola University here in Los Angeles.

Mr. TAVENNER. Will you tell the committee, please, briefly what your record of employment has been since 1938?

Mr. WAGNER. Since 1938 I have worked in various business jobs and also have worked as a radio actor and announcer, mostly in commercial fields.

Mr. TAVENNER. Mr. Wagner, during the course of the hearings a witness by the name of Dwight Hauser appeared before the committee on March 30. In the course of his appearance before the committee he was asked to tell the committee how he became a member of the Communist Party.

This is his reply:¹

I presume that in many discussions I had made my position as a liberal fairly clear, and apparently it was felt that I would be receptive to the aims as stated to me at the time.

A very good friend of mine, whose character and ideals I admired, whose intellectual capabilities impressed me, talked to me about this and asked me if I wouldn't like to associate myself with a group of people who were of the same opinions as I.

I wonder if it might not be possible to pass over this man's name for the moment, because this is a man who left the party at about the same time I did and for the same reasons that I did.

At that point I interrupted him and said:²

You may pass it over for the moment. In other words, I will ask you then before you leave the witness stand more in detail.

And later in the course of his testimony I asked this witness this question:

Are you acquainted with a person by the name of Murray Wagner?

Mr. Hauser said, "Yes."

And my question was:

Was he a member of this group?

And that was a group of the Communist Party which Mr. Hauser had described.

¹ Investigation of Communist Activities in the Los Angeles Area—Part 3, p. 626.

² Ibid., p. 633.

His answer was:

He is the one that I spoke of earlier. He is the man who recruited me and who left the party, I believe, before I did, to my knowledge.

And the next question was:

If he left the party before you did, at about what time did he leave the party, Mr. Hauser?

And his answer was:

I believe he was called into the Army sometime in 1944; and when he came back from the Army, it would have been after I left the party. He came to my home and told me how disturbed he was over the turn of events. It was my understanding at that time that he had determined to sever his connection with the party.

I haven't seen a great deal of him since then, but, to my knowledge, that was his intention at that time.

Now, I would like to ask you, Mr. Wagner, if that testimony of Mr. Hauser is in accordance with the facts relating to you.

(At this point Mr. Wagner conferred with Mr. Marshall.)

Mr. WAGNER. Mr. Tavenner, this is a broad, broad question. I decline to answer it.

Mr. TAVENNER. On what do you base your refusal to answer the question?

Mr. WAGNER. I base my refusal on——

Mr. TAVENNER. Let me put the question this way: What legal grounds do you have as a basis for your refusal to answer the question?

Mr. WAGNER. Well, I have not only legal grounds but I have moral grounds; I have grounds of scruples.

Mr. TAVENNER. Legal grounds are the only grounds which would entitle you to refuse to answer the question.

Mr. WAGNER. All right. I shall be pleased to give you my legal grounds. I decline to answer this question because, first, I submit you have no right to ask it. I decline because I stand upon the right to decline granted me by that section of the fifth amendment which says that I shall not be compelled to be a witness against myself.

I decline based upon the sixth amendment, which grants me the right to be confronted with witnesses against me. And I rather think that I shall rely somewhat on the first amendment, which has to do with the freedom of associations, freedom of speech, freedom of friendship, et cetera, all of which freedoms you know about, I am sure.

Mr. JACKSON. Do you so rely on the first amendment, Mr. Wagner? You say you think you rely somewhat on it. Is it your position that you are relying on the first amendment?

Mr. WAGNER. Oh, yes; my reliance is unequivocally and complete and sincere.

Mr. JACKSON. Very well.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. WAGNER. May I point out, sir, I wish to make my reliance very clear. My reliance is on the first and on the fifth completely. I don't wish to sever the two. I think they are interdependent.

Mr. JACKSON. Do you have any further questions?

Mr. TAVENNER. No further questions.

Mr. JACKSON. Mr. Doyle?

Mr. DOYLE. No.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. JACKSON. You are excused.

Mr. TAVENNER. Mr. Robert Wachsmann.

Mr. JACKSON. In order that the public information media may be kept informed to the greatest extent possible of the actions of this committee, both in and out of executive sessions, the chairman wishes to state that the subcommittee last night took testimony from Mr. Jerome Robinson, a resident of North Hollywood, Calif., who is a commercial photographer.

Investigation by this committee indicated Mr. Robinson was a member of the Northwest section of the Communist Party in 1944. He declined to answer, giving as his reason that section of the fifth amendment to the Constitution which makes it unnecessary for a witness to answer questions which may be of an incriminating nature.

Mr. MARSHALL. With respect to the person whose name counsel just called [Robert Wachsmann], I represent that person, and I don't think the records will show personal service of any subpoena upon him. However, he received a telegram from the committee, and I have this to say, that if the committee wishes him here, I can get him here within the next hour or so, upon the understanding, however, that when he appears here at the committee room that he is not doing so voluntarily and it will be with the understanding that he will be served with a subpoena before he enters the witness room.

Is that satisfactory, Mr. Tavenner?

Mr. TAVENNER. That is satisfactory unless he has already been served with a subpoena.

Mr. MARSHALL. Our position is he has not been served.

Mr. JACKSON. Is that satisfactory, Mr. Tavenner?

Mr. TAVENNER. Yes.

Mr. JACKSON. Do you have another witness, Mr. Tavenner?

Mr. TAVENNER. Yes, sir. Mr. Bernard Skadron.

Mr. JACKSON. Do you solemnly swear that the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SKADRON. Yes.

TESTIMONY OF BERNARD SKADRON, ACCOMPANIED BY HIS COUNSEL, WILLIAM B. ESTERMAN AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, sir?

Mr. SKADRON. I would like to testify when the photographers are through.

Mr. TAVENNER. That is all right. I thought they had finished. What is your name, please, sir?

Mr. SKADRON. Bernard Skadron.

Mr. TAVENNER. Will you spell your first and last name?

Mr. SKADRON. B-e-r-n-a-r-d S-k-a-d-r-o-n.

Mr. TAVENNER. Are you—

Mr. TAVENNER. Are you accompanied by counsel, Mr. Skadron?

Mr. SKADRON. I am.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. ESTERMAN. Mr. Daniel G. Marshall, who left the room for a moment.

Mr. TAVENNER. When and where were you born, Mr. Skadron?

Mr. SKADRON. Would you please ask them to stop that [indicating the photographers]? I would rather concentrate on what I am saying, rather than—

Mr. JACKSON. I am sure the press photographers will cooperate, and they might come up during the course of your testimony and take pictures.

Mr. SKADRON. They can take all they want to.

Mr. TAVENNER. Will you adjust the microphone in front of you? We can hardly hear you.

Mr. SKADRON. I think the question was when and where was I born?

Mr. TAVENNER. Yes.

Mr. SKADRON. Williston, N. Dak., in May 1913.

Mr. TAVENNER. Where do you now reside?

Mr. SKADRON. Los Angeles.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. SKADRON. Approximately 20 years.

Mr. TAVENNER. What is your occupation?

Mr. SKADRON. Public accountant.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. SKADRON. Grammar school, high school, Crane College in Chicago, additional work at UCLA here.

Mr. TAVENNER. Can you tell the committee, please, what the general nature of your employment has been in Los Angeles?

Mr. SKADRON. It has generally been, with the exception of a few odd jobs during the depression, self-employment, my own practice.

Mr. TAVENNER. Mr. Skadron, a person by the name of Sol Shor has made a statement under oath that he was a member of the Communist Party at one time in Hollywood, and that he first joined the Communist Party in 1938, and subsequently left the party.

He further testified that after attending a few Communist Party study courses he was assigned to a Communist Party unit. And he identified you as having been a member of that unit of the Communist Party.

Were you a member of the Communist Party in Los Angeles at any time?

Mr. SKADRON. Mr. Tavenner, would you have somebody spell that name for me?

Mr. TAVENNER. The first name is S-o-l. The last name is S-h-o-r.

Mr. SKADRON. When are some of those dates? You say in 1938?

Mr. TAVENNER. He testified that he joined the Communist Party in 1938.

Mr. SKADRON. And he said that I had something to do with that?

Mr. TAVENNER. He said you were a member of the Communist Party.

Mr. SKADRON. What is your question specifically?

Mr. TAVENNER. Whether it is true or not that you were a member of the Communist Party unit in Los Angeles.

Mr. SKADRON. That is a separate question and has nothing to do with this Sol Shor?

Mr. TAVENNER. Only to this extent, that I have given you the information that the committee has. My question now is whether or not you were a member of the Communist Party.

Mr. SKADRON. I see. The information was the basis for the question?

Mr. TAVENNER. Will you just answer the question?

Mr. SKADRON. Yes. I am going to decline to answer that question. I have got printed notes, too.

Mr. TAVENNER. If you decline to answer the question, will you state what legal grounds, if any, you have as the basis for your refusal?

Mr. SKADRON. I will state all the grounds I have. They will be legal or whatever you interpret them as being, but there will be a number of grounds.

Mr. TAVENNER. But the legal grounds are the only ground that would be material to the question.

Mr. SKADRON. I am aware of that.

Mr. TAVENNER. But you want to make a speech, whether it is material or not to the point?

Mr. SKADRON. No speech. The question of whether grounds are legal or not is a legal matter to be judged by legal minds, through courts, through judges. I am not a legal person. I cannot judge. I have heard witnesses told—

Mr. TAVENNER. Possibly the chairman then can advise you.

Mr. SKADRON. It is based on legal grounds out of our very legal Constitution.

Mr. JACKSON. If the witness goes too far afield in his explanation, the Chair will—

Mr. SKADRON. It will stay very close to the Constitution.

Mr. JACKSON. Let us hope so.

Mr. SKADRON. Well, my first legal ground is that the first amendment prohibits any sort of inquiry to anybody's mind or thoughts or feelings. I feel this committee recognizes that.

It is true these committee members have said they are not searching minds. However, there seems to be a contradiction to me, because I am being asked to search my own mind and give the results of that search to this committee. I can't see where it makes any difference.

Therefore, on the basis of the first amendment, I am going to say no, I will not search my mind and give those thoughts to this committee.

As an accountant, I look at the fourth amendment maybe a little differently than the average person. I spend my life protecting real property for clients, money which is real property, and since I sell the results of my mind, the services which come out of my thoughts, my real property is my thoughts, my mind, my service.

I think this committee is trying to search my real property, my brain, my mind. And I also think that the committee has no real purpose—again, this is being on the fourth amendment—a separate reason, not quite stated in the Constitution, but I believe this committee, from a business standpoint—

Mr. JACKSON. Your opinion as to what this committee is attempting to do is in no way pertinent to your constitutional grounds for refusing to answer the question.

Mr. SKADRON. I don't know about that.

Mr. JACKSON. If you can relate it even remotely to it, the committee will go along with you and give you every opportunity. But your personal opinion of this committee is of absolutely no value.

Mr. SKADRON. I am not speaking of the persons or the personalities of the committee. I am speaking of what I consider the business which I, along with other people in this country, own, that is, the United States Government. I was just looking at it as a businessman, and I was going to speak, not of the personalities of the committee, but of the functions of the committee, and where I think they are illegal.

Mr. JACKSON. All right. Although the question has been ruled upon—

Mr. SKADRON. I will check with my attorney for the legal—

Mr. JACKSON. The question as to the legality of the committee has long since been ruled upon by a much higher tribunal than any other in the country, by the Congress of the United States. The legality of the committee, I believe, is above any question whatever.

Mr. SKADRON. I don't question its legality.

Mr. JACKSON. If you want to take issue with the Congress, go ahead. That is your unquestioned right under the first amendment, to unlimited freedom of speech. I hope you will limit it reasonably within the next 10 minutes, if you can.

Mr. SKADRON. You have taken a couple of weeks of my time. I can swap it for 10 minutes of yours.

Mr. JACKSON. Your predecessors on the stand have taken a considerable amount of time.

Mr. SKADRON. No—

Mr. JACKSON. Very well. Let's go on.

Mr. SKADRON. Pardon me.

(At this point Mr. Skadron conferred with Mr. Esterman.)

Mr. SKADRON. If you will forgive me, I will speak more as in a business sense than as to legality, in front of the committee, and I will sort of relax here a moment and discuss this as I would with a client. I look at this committee as part of the function of a business that we, all the people, including these gentlemen up here, who pay their taxes, are running. The moment we pay taxes we are all partners with the Government. Therefore we have a say.

I think the whole Constitution and concept is based on that. I look at this committee and I have learned a lot about it, something to the effect it has been in existence for 15 years, based on appropriations I have noticed in the last few years, that there must be 3, 5, 10, 15 million dollars spent over the 15 years; there is no doubt about it.

Mr. TAVENNER. Mr. Chairman, may I suggest—

Mr. JACKSON. If that is an example of your accounting, I would suggest you go to some more accurate sources for your figures. Your figures are entirely disproportionate to the facts.

Mr. SKADRON. Mr. Jackson, I would like to ask you, Could you tell me what the committee has spent in 15 years?

Mr. JACKSON. The committee this year, by a vote of 315 to 2, I believe, received the largest appropriation in its history. That amount was \$300,000. It doesn't take much accounting to indicate over a period of 15 years, if it had received that amount every year, it would have received nothing near that figure you have set.

Mr. SKADRON. Say, \$4½ million.

Mr. JACKSON. That is a considerable difference. I want the facts on the record as to that.

Mr. SKADRON. I said 3 or 4 or 5, maybe 10 million.

Mr. JACKSON. It is my feeling if it had spent 5 or 10 or 15 million it would have been very well spent.

Mr. SKADRON. I am not questioning—

Mr. JACKSON. Let's get back to the business discussion of—

Mr. SKADRON. I would like to ask you, are part of the salaries of the Congressmen charged off into this fund? They should be prorated, you know.

Mr. DOYLE. You know better than that. I ask the witness to stick to facts in giving his reasons for declining to answer.

You apparently came here to make a speech—a public speech. We understand that. But please confine yourself, if you have reasons to decline to answer, state them.

Mr. SKADRON. That is a fair request. It is very fair.

Mr. DOYLE. You have sat here 2 or 3 weeks listening to the committee and know all about it. Please give us your answers.

Mr. SKADRON. Well, I have listened to the committee for 2 or 3 weeks. I think the committee ought to listen to me for 15 minutes.

Mr. DOYLE. You have had a good education.

Mr. SKADRON. Excellent, excellent.

Mr. JACKSON. Proceed.

Mr. SKADRON. I will cut the point down and say, even on the basis of \$4 million, if I were running a business and a group of men were to work for 15 years with the small amount of results, based on Public Law 601, that has been shown, I would fire them and get a new group and say, "Try it a different way," because I don't think this committee has done a good business job in spending the taxpayers' money.

It is now down to, as far as I can see, something called an unemployment committee, that unemploys anybody that stands on their rights under the Constitution.

Mr. DOYLE. Of course, Mr.—

Mr. SKADRON. I am going—

Mr. DOYLE (continuing). Chairman, I want to counter this witness' statement with the statement that his is absolutely a false statement, and I think you know it to be false, Mr. Witness.

(At this point Mr. Skadron conferred with Mr. Esterman.)

Mr. DOYLE. I am not going to sit here as a United States Congressman and take your insults, which I don't have to. You understand that.

Mr. SKADRON. I understand, Mr. Doyle, and I will say this: Don't you think you represent the committee—there must be dozens and dozens of men. I am not sending this at you or Mr. Jackson.

Mr. DOYLE. I didn't ask to serve on this committee. I was placed upon this committee.

Mr. SKADRON. I will take that into consideration. I am not saying you have been on it for 15 years or run it for 15 years.

Mr. TAVENNER. Mr. Chairman, may I interrupt for a moment?

Mr. JACKSON. Yes.

Mr. TAVENNER. Nothing has been said by this witness in the past 10 minutes that has anything whatsoever to do with any legal grounds

for his refusal to answer the question, and I think he should be directed to answer the question or be excused.

Mr. SKADRON. Mr. Tavenner, I have got my reasons that will come up very soon, and you will have it. I just wanted to make this point, because I look at things from a standpoint of the gentlemen who want to take pictures. I look at things from the standpoint of efficiency in business.

Mr. DOYLE. Then give some evidence of it, please, by sticking to the subject matter before you.

Mr. SKADRON. Let us stick to the business that should be before you. But the point—I say I have made my point; I think the committee is not, as individuals—I am not after the individuals nor do I care to say anything about the individuals. I say this committee as a business, efficient organization has failed and should be dissolved.

Mr. TAVENNER. The witness persists in not stating any legal grounds for his refusal to answer the question, and I, therefore, suggest that he be excused.

Mr. SKADRON. Do you mean to say that I am not going to have my opportunity to express my side of the case?

Mr. JACKSON. You have taken 10 minutes to say absolutely nothing except that you stand upon the first amendment.

Mr. SKADRON. Well, the first amendment is a big amendment.

Mr. JACKSON. That is a very fine amendment; and, if you are content to stand upon it, I am going to excuse you, unless you get to another point that you may have in mind.

Mr. SKADRON. In other words, I can pick other amendments now or get off of the stand?

Mr. JACKSON. You may state whatever constitutional grounds you have.

Mr. SKADRON. Then we will move on from the first amendment.

Mr. JACKSON. Move rapidly, please.

Mr. ESTERMAN. He isn't required to move rapidly.

Mr. JACKSON. I will make the decisions as to whether he is required to move rapidly or not.

Mr. ESTERMAN. He isn't going to move rapidly.

Mr. JACKSON. He is going to move or get off the stand. We have now taken almost 15 minutes listening to an exhortation of the committee in general, the business practice of the United States Government, where the Congress is wrong; and I, for one, do not intend to go on indefinitely listening to such irrelevant remarks.

Now, if you have other amendments or constitutional reasons why you decline to answer, I wish you would get to them, and promptly, if you please.

Mr. SKADRON. Mr. Jackson, I understand you are in a hurry; but you must understand that, if parties like the Democratic Party and the Republican Party can criticize the running of the American Government and the use of tax money, then individuals can. I am an individual and I have a right to criticize it, and I think a lot of money has been wasted.

Mr. JACKSON. You have done your criticizing. Now, let's go to something else. Your criticism is entered on the record. You don't like the committee. You don't like the way it operates, and it is a business failure in your opinion.

Now will you proceed?

Mr. DOYLE. And you have made it clear you don't like the United States Congress.

Mr. SKADRON. I didn't say that.

Mr. DOYLE. You don't like this committee and it is a creature of the United States Congress.

Mr. SKADRON. Look, Mr. Doyle—

Mr. JACKSON. Never mind.

Mr. SKADRON. May I answer this? I don't want it in the record that I don't like the American Congress.

Mr. JACKSON. All right; you like the American Congress. That is in the record. Let us please get on to your constitutional reasons or I shall excuse you.

Mr. SKADRON. Pardon me a moment.

(At this point Mr. Skadron conferred with Mr. Esterman.)

Mr. SKADRON. We have the first amendment in. I have another reason which will make you gentlemen happy or unhappy, I don't know which. And that is, I also decline on the basis of the fifth amendment, the entire fifth amendment. I don't think we have to go into breaking it down.

However, the fifth amendment has been broken down, and again, as an accountant, I would like to break down slightly the fifth amendment in a different way just as a matter of something I noticed.

I stand on it from the beginning to the end. It begins with the word "no" and ends with the word "compensation." I wonder if the committee got the idea of "no compensation" for the fifth amendment, from this fifth amendment.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mr. TAVENNER. There is not.

Mr. JACKSON. Do you have any questions?

Mr. DOYLE. No.

Mr. JACKSON. The witness is excused.

Mr. SKADRON. It is clear that I stand on the first and fifth amendments.

Mr. ESTERMAN. Is the witness excused?

Mr. JACKSON. I have excused him. The witness is excused.

Call your next witness.

Mr. TAVENNER. Virginia Mullen.

Mr. ESTERMAN. I thought you were going to remove these people who are making comments and remarks. They have been in the habit of doing that for several days.

Mr. JACKSON. I did not hear the remarks.

Mr. ESTERMAN. Well, we heard them.

Mr. JACKSON. However, the remarks that may have been addressed by some member of the audience to the witness certainly have been no more offensive than some of the remarks addressed by this witness to the committee.

Mr. ESTERMAN. It is obvious they are a part of your claque.

Mr. JACKSON. It is not obvious they are a part of my claque. We have no clagues.

Mr. ESTERMAN. You promised to remove these people.

Mr. JACKSON. Who is your next witness?

Mr. TAVENNER. Virginia Mullen.

Mr. JACKSON. Mrs. Mullen, will you please stand? Do you solemnly swear the testimony you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. MULLEN. I do.

Mr. JACKSON. I will address my remarks, and particularly to the area immediately in back of the witness stand. If there are any further remarks, it will be necessary to clear the rows responsible. I ask the cooperation of all the spectators in not making audible comments. I hope that you will all cooperate with the committee in that regard.

You may proceed.

TESTIMONY OF VIRGINIA MULLEN, ACCOMPANIED BY HER COUNSEL, WILLIAM B. ESTERMAN AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please?

Mrs. MULLEN. Virginia Mullen.

Mr. TAVENNER. Are you accompanied by counsel?

Mrs. MULLEN. I am.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall.

Mr. ESTERMAN. William B. Esterman.

Mr. TAVENNER. Will you please tell the committee where you were born?

Mrs. MULLEN. I was born in Kentucky in 1906.

Mr. TAVENNER. Where do you now reside?

Mrs. MULLEN. In Los Angeles. I have lived here for about 17 years.

Mr. TAVENNER. What is your occupation?

Mrs. MULLEN. Since the age of 6 my chosen occupation has been that of acting. It has been a rather sporadic career. For the last 15 years I have been both mother and father to two very fine sons and this has necessitated my taking numerous jobs that I don't think you would want to be bored with all the details of.

For the last 5 years, however, I have worked as an actress in motion pictures, a character actress, a very unimportant one.

Mr. TAVENNER. What are some of the principal productions in which you have taken part?

Mrs. MULLEN. I cannot see the legislative purpose of this question. It seems to me that you are just saying to the American Legion, "Go and picket these pictures," since I had such a very small role in them and rarely a screen credit. To do that would do them no good, and I don't see the reason for naming these pictures.

Mr. JACKSON. Does counsel believe this is material?

Mr. TAVENNER. No. I wanted to give the witness an opportunity to fully develop her own background so the committee might understand more about her. If she prefers not to mention them, I have no particular purpose.

Mr. JACKSON. Very well. The question is withdrawn.

Mr. TAVENNER. I hand you what purports to be a photostatic copy of an affidavit of registration to vote in the State of California, and I ask that it be marked "Mullen Exhibit 1" for identification.

Mr. JACKSON. It will be so marked.

(The document referred to was marked "Mullen Exhibit No. 1" for identification.)

Mr. TAVENNER. Will you please examine it?

(At this point Mrs. Mullen conferred with Mr. Esterman and Mr. Marshall.)

Mr. ESTERMAN. Do you have the original, Mr. Tavenner?

Mrs. MULLEN. We can hardly read it.

Mr. TAVENNER. No; I do not.

Mr. ESTERMAN. May we have access to it?

Mr. TAVENNER. We had access to it. I will just state that the document will have to speak for itself.

Mr. MARSHALL. It is remaining very quiet here.

Mr. EASTERMAN. Let us go out here where we can be alone.

Mr. JACKSON. The committee will take a recess for 5 minutes, until 10:30.

(Whereupon, a recess was taken from 10:25 a. m. to 10:40 a. m.)

(After the recess, at 10:40 a. m., the proceedings were resumed, the same parties being present.)

Mr. JACKSON. Show a 10-minute recess was taken for a conference between the witness and her counsel. They withdrew from the room. Mrs. Mullen.

Mr. TAVENNER. Will you state, please, whether the signature to the affidavit appears to be your signature?

Mrs. MULLEN. I believe that I have the right to see the original document. I demand it.

Mr. TAVENNER. Will you answer the question, please?

Mrs. MULLEN. Well; am I going to see the original after I answer this question?

Mr. TAVENNER. Will you just answer the question?

Mrs. MULLEN. Well, it seems I have a right to see it before.

Mr. TAVENNER. Mr. Chairman, may I suggest that she be directed to answer the question?

Mr. JACKSON. The witness is directed to answer whether or not the signature appears to be hers.

Mrs. MULLEN. I must state that I am shocked at this invasion into my privacy, this invasion into the right to vote, and I am going to decline to answer the question on the following grounds—

Mr. JACKSON. May I state that this is a public document, is it not? This is a photostat of a public document?

A registration to vote—my understanding is that it is not a secret document; that I may go down and look at the great register in the hall of records at any time, or in the county registrar's office at any time, to determine whether or not any given individual is registered in any way.

Mr. ESTERMAN. Did these gentlemen make a photostat?

Mr. JACKSON. Is there a question as to the authenticity? Is it suggested that perhaps the committee has in any way altered the document?

Mr. ESTERMAN. It is suggested that under the law the witness has a right to see original documents; that is what is suggested.

Mr. JACKSON. Well, I might state for the record that, so far as I am able to determine, the record is very clear from the standpoint of legibility.

Mr. TAVENNER. Have you completed your answer?

Mrs. MULLEN. No.

Mr. JACKSON. The witness has declined to answer and was about to state her reasons.

Mrs. MULLEN. Yes, I am. I realize that this committee is not interested in my moral reasons, but I do have one basic one that I must give. Dean Sayre expressed it so well for me. This is the bishop of the Episcopal Cathedral in Washington, D. C., the faith in which I grew up. I found the quotation on the back of a very fine pamphlet called *Courage Is Contagious*.

He said that God is my judge, not the Attorney General's list, not the American Legion, and not this body of gentlemen.

But I do also have to give my legal reasons, and I am very proud to be able to stand here and defend the Constitution of the United States.

In a recent television program, Sunday night when Mr. Clardy was present, a gentleman spoke of people like myself as hiding behind all the hogwash of the Constitution. To me it is not hogwash. That is a document that guarantees to me the freedom to worship where I please, to read what I please, and to think what I please, and it is my understanding that Congress may make no laws abridging those freedoms.

Then there is that other amendment that says you cannot force me by rack or thumbscrew, or any other method, to bear witness against myself, the right to silence.

Sir, gentlemen, I do choose to remain silent.

Mr. TAVENNER. What was your address in 1939, your street address?

May I change that question, please?

What was your street address on the 16th day of June 1938?

Mrs. MULLEN. The date you asked was 1938?

Mr. TAVENNER. Yes.

Mrs. MULLEN. That is 15 years ago, and this was the summer when I decided to walk out with two small children and start a new life. I lived at several places. I believe the latter part of that summer I was living on Crescent Heights Boulevard.

Mr. TAVENNER. Was it 1306 Crescent Heights Boulevard?

Mr. MULLEN. Well, it could be. I have no such memory, but it certainly could be.

Mr. TAVENNER. Did you in June 1938 change your registration from that of the Communist Party to the Democratic Party, either in 1938 or 1939?

I would like to change that question, please, and make it a little more direct and accurate.

Did you change your registration from that of the Communist Party to the Democratic Party on July 25, 1939?

Mrs. MULLEN. Well, this question seems to be a very similar one. I am going to decline to answer the question. I am fully aware of the consequences of my declination. But Christ said that man cannot live by bread alone; and I hope that this will be a strength to me in the coming period when I am not permitted to earn the bread for my sons.

For the reasons previously stated, that beautiful first amendment and that carefully thought out fifth amendment, I once again choose to remain silent.

Mr. JACKSON. Do you so remain silent?

Mrs. MULLEN. Yes. I said the first and the fifth.

Mr. TAVENNER. Have you at any time been a member of the Communist Party?

Mrs. MULLEN. This is the same question, Mr. Tavenner, and I am going to decline once more to answer your question on the same grounds previously given.

Mr. TAVENNER. I have no further questions.

Mrs. MULLEN. Before I am excused, may I, as a taxpayer of California, give these gentlemen, the Representatives of California, a fact? Sunday—

Mr. TAVENNER. Does it relate to your refusal to answer?

Mrs. MULLEN. It relates, yes, to this committee.

Sunday before last—

Mr. TAVENNER. Mr. Chairman, it is quite apparent that it does not relate to the question.

Mrs. MULLEN. It is a fact. You say you are wanting facts about subversive people. I have a fact I want to give you.

Mr. JACKSON. I believe, Mrs. Mullen, that you have declined to answer the questions, you have stated your reasons for declination—

Mrs. MULLEN. This is something that I saw with my own eyes at my church.

Mr. TAVENNER. May I suggest that you confer with the investigator of the committee, who will be very glad to receive the information.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mrs. MULLEN. There is something that I would like very much to say to Mr. Doyle as a taxpayer. Can I say this?

Mr. JACKSON. The witness is excused. The reporter will take no more statements.

Who is your next witness?

Mr. TAVENNER. Mr. Wachsmann, is he here?

Mr. JACKSON. Mr. Wachsmann.

Mr. MARSHALL. Mr. Tavenner, do you have the subpoena for service on the witness?

Mr. TAVENNER. Yes, we have.

Mr. MARSHALL. Will you bring it over and serve him?

Mr. TAVENNER. He has been served.

Mr. MARSHALL. That is not the situation. He is here to be served now.

Mr. TAVENNER. The marshal's record shows that he was served.

Mr. MARSHALL. The marshal's records are in error. My understanding was when the witness produced himself here this morning, you would serve him to do away with any question.

Mr. TAVENNER. I said we would if he had not been served.

Mr. JACKSON. The record will so indicate. I believe counsel said if he had not been served we would serve him.

What are the facts as set forth in the marshal's affidavit?

Mr. TAVENNER. The record of the marshal's office shows that on the 27th day of February, 1953, the subpoena was served on Robert Wachsmann at 633 North Almont Street, Beverly Hills, and served at 12:30 p. m., and it is signed "James J. Boyle, United States marshal, by Charles W. Ross, deputy United States marshal."

Mr. MARSHALL. No personal service was made, and the matter can be obviated by serving the witness here and now. A great deal of emphasis has been placed on questions of waiver. The witness is entitled to be served with a subpoena here and now.

Mr. JACKSON. Is the marshal's deputy who effected service available?

Mr. TAVENNER. No; the deputy is not available. We had to obtain this record through the office itself.

I see no objection to service again.

Mr. MARSHALL. Let's serve him, then.

Mr. JACKSON. Very well. If you have no objection, serve the witness with a subpoena.

Mr. TAVENNER. We don't seem to have any additional subpoenas.

While we are waiting for the preparation of another subpoena for service on Mr. Wachsman, I would like to call Gertrude Purcell.

Mr. JACKSON. Do you solemnly swear the testimony you will give will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss PURCELL. I do.

Mr. JACKSON. Proceed, Mr. Counsel.

TESTIMONY OF GERTRUDE PURCELL

Mr. TAVENNER. What is your name, please?

Miss PURCELL. Gertrude Purcell.

Mr. TAVENNER. Will you tell the committee, please, where you were born?

Miss PURCELL. New York City.

Mr. TAVENNER. Where do you now reside?

Miss PURCELL. Los Angeles.

Mr. TAVENNER. How long have you lived in Los Angeles?

Miss PURCELL. I have been here since 1931.

Mr. TAVENNER. What is your occupation?

Miss PURCELL. I am a free-lance screen writer.

Mr. TAVENNER. Will you tell the committee, please, briefly what your formal educational training has been?

Miss PURCELL. I went to the New York City grammar schools and high schools, a bachelor of arts from Hunter College, and extension courses at Columbia University.

Mr. TAVENNER. Are you accompanied by counsel?

Miss PURCELL. No; I am not.

Mr. TAVENNER. It is the practice of the committee to advise all witnesses that they are entitled to counsel if they so desire, and that they have the right to confer with counsel at any time during the course of their testimony. I want to be certain you understood you had that right.

(Representative Donald L. Jackson left the hearing room at this point, 10:52 a. m.)

Miss PURCELL. Yes, I do.

Mr. TAVENNER. I notice that you do not have counsel with you. Are you willing to proceed?

Miss PURCELL. Of course; yes.

Mr. TAVENNER. During the course of this hearing your name was identified by a witness as having been a member of the Communist

Party of Los Angeles. I believe the name of the witness was Mr. Hecht, although I am not sure my recollection is correct about that.

I believe you were also identified at an earlier date by another witness as having been a member. I believe that witness was Mr. Martin Berkeley.

The investigator for this committee received a telephone call from you, after you had been identified by Mr. Hecht—

Miss PURCELL. That is right.

Mr. TAVENNER. In which you stated you desire to appear before the committee.

Miss PURCELL. Yes.

Mr. TAVENNER. Now, will you tell the committee, please, just what you desire to tell it regarding your former Communist Party membership, if that is correct.

Miss PURCELL. I wish to make it clear that I had joined the Communist Party in September 1939.

Mr. TAVENNER. Will you tell the committee, please, the circumstances under which you became a member and how long you were a member and the circumstances under which you left the party?

Miss PURCELL. As I said, I joined in 1939. Previous to that I had taken some Marxist courses, and I had been very concerned about the menace of fascism, and at the time communism seemed a cure, and the answer. I was—I joined the party in September 1939, and I remained in it until the end of 1942.

Mr. TAVENNER. Will you tell the committee, please, what led up to your getting out of the party in 1942?

Miss PURCELL. I had been very upset by the Nazi-Russian Pact, which had happened shortly after I had joined. Even though I stayed in so long, subconsciously I was very distressed about it, and ultimately at the end I was well tired of thought control and being told what to think and what to do, a loss of individual initiative in mind and spirit, and I decided to quit.

So I went to the head of the group, who was Mr. Herbert Biberman, and told him I wished to leave. He suggested that I take a year's leave of absence and if I reconsidered, to return, but he said at that time he had small hope that I would, because he personally considered me incurably bourgeois.

Mr. TAVENNER. Was any effort ever made to have you return to the Communist Party after you left it in 1942?

Miss PURCELL. No, there was not.

Mr. TAVENNER. Did you return at any time to the Communist Party after 1942?

Miss PURCELL. No, I never did. I had no connection with it whatsoever.

(Representative Donald L. Jackson reentered the hearing room at this point, 10:59 a. m.)

Mr. TAVENNER. Is there anything else you desire to explain to the committee regarding your Communist Party membership that might be of any assistance to the committee in its investigations?

Miss PURCELL. I can't think of anything at the moment, no.

Mr. TAVENNER. Will you make yourself available for a conference with an investigator of the committee later, should it be determined advisable to do so?

Miss PURCELL. Yes, I would be very glad to.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. JACKSON. Mr. Doyle?

Mr. DOYLE. I think I have just one question. Why don't you claim your privilege under the United States Constitution, with special reference to the fifth amendment? Why do you come here without counsel and come and admit you were a member of the Communist Party and withdrew from it. Why don't you claim your constitutional privilege?

Miss PURCELL. I hadn't thought about it.

Mr. DOYLE. Well, I wondered—

Miss PURCELL. No, I felt the committee was doing a good job and deserved to be told the truth.

Mr. DOYLE. Of course, I have never met you before or never talked with you. I realize my question is perhaps rather blunt to you.

I wish to thank you very, very much for doing what you have done.

Miss PURCELL. Thank you. You are quite welcome.

Mr. JACKSON. Are there any further questions?

Mr. DOYLE. No.

Mr. JACKSON. Do you have any further questions, Mr. Tavenner?

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. JACKSON. Thank you for your testimony.

Miss PURCELL. Thank you very much.

TESTIMONY OF ROBERT WACHSMAN, ACCOMPANIED BY HIS COUNSEL, DANIEL G. MARSHALL

Mr. JACKSON. Will you please rise and hold up your right hand? Do you solmenly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WACHSMAN. I do.

Mr. JACKSON. You may proceed.

Mr. TAVENNER. What is your name, please, sir?

Mr. WACHSMAN. My name is Robert Wachsmann.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. WACHSMAN. Yes, sir.

Mr. TAVENNER. Will counsel please identify himself?

Mr. MARSHALL. Daniel G. Marshall.

Mr. TAVENNER. When and where were you born, Mr. Wachsmann?

Mr. WACHSMAN. I was born in Chicago in April of 1902.

Mr. TAVENNER. Where do you now reside?

Mr. WACHSMAN. In Los Angeles.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. WACHSMAN. About 16 years.

Mr. TAVENNER. What is your occupation?

Mr. WACHSMAN. Well, up to a few days ago I was a publicist.

Mr. TAVENNER. Will you please tell the committee briefly what your formal educational training has been?

Mr. WACHSMAN. Well, I went to grade school and high school in Chicago. I went to college in Pennsylvania, and I am a graduate of the University of Pennsylvania.

Mr. TAVENNER. What has been the principal nature of your employment since you have been in California?

Mr. WACHSMAN. Well, for a short time I sold real estate. For the last 12 years I have been in the publicity business, public relations, except that there was a period when I was employed on a trade paper, and I was in the Army for a spell, 1942 to 1943.

Mr. TAVENNER. A witness testified before this committee on January 21, 1952, by the name of Charles Daggett. In the course of his testimony Mr. Daggett testified that he was invited to go to a dinner at the home of Ring Lardner, Jr., and then followed that by this statement:

And I did go to his home for dinner and it seemed to be just a sort of dinner party in his home. There were 10, 15, 18 people there in West Los Angeles, or Westwood, I guess you would call it. After dinner, after eating and drinking and talking, Ring Lardner asked me and the man I went to the dinner party with if we wouldn't join the Communist Party at that time because the Communist Party was working and working toward some kind of peaceful settlement of this strike situation.

And the next question was:

Who was it that extended the invitation?

And the answer was—

Ring Lardner, Jr., Another person I can remember being at the meeting was Dalton Trumbo, whom I didn't know at that time, but recalled him later. There was also another man who was a publicist named Robert Wachsman, although I had never seen him again after that particular meeting—at any party meeting.

Were you a member of the Communist Party or any group of the Communist Party while living in Los Angeles, while living in California?

(At this point Mr. Wachsman conferred with Mr. Marshall.)

Mr. WACHSMAN. Mr. Tavenner, the testimony you just read, is that the only testimony that is against me?

Mr. TAVENNER. Would that affect your answer?

(At this point Mr. Wachsman conferred with Mr. Marshall.)

Mr. TAVENNER. Would that have anything to do with whether or not you were a member of the Communist Party?

(At this point Mr. Wachsman conferred with Mr. Marshall.)

Mr. WACHSMAN. What I would like to know is the connection that your testimony, the testimony that you just read might have to the question that you just asked me, if I may ask you.

Mr. TAVENNER. I have read to you the mentioning of your name by Mr. Daggett, and my first question to you is whether or not you were a member of the Communist Party.

I will follow that question by asking another question, depending upon your answer to my first question.

(At this point Mr. Wachsman conferred with Mr. Marshall.)

Mr. WACHSMAN. Mr. Tavenner, is this on?

Mr. MARSHALL. Yes.

Mr. WACHSMAN. Mr. Counsel and gentlemen of the committee, I am not going to make any long speeches. Many of the things I feel and believe in have been presented by other people before me. I am sim-

ply going to claim the fifth amendment and refuse to answer that question.

Mr. TAVENNER. What is the basis for your refusal to answer the question?

(At this point Mr. Wachsman conferred with Mr. Marshall.)

Mr. TAVENNER. Excuse me. I didn't understand all you had to say.

Mr. JACKSON. The witness claimed the privilege of the fifth amendment.

Mr. TAVENNER. I didn't hear that.

Mr. JACKSON. Is that correct?

Mr. WACHSMAN. That is right.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. No questions. Have you any questions, Mr. Doyle?

Mr. DOYLE. No questions.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No.

Mr. JACKSON. The witness is excused.

Will you call your next witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Wilenchick.

TESTIMONY OF CLEMENT WILENCHICK, ACCOMPANIED BY HIS COUNSEL, WILLIAM B. ESTERMAN AND DANIEL G. MARSHALL

Mr. JACKSON. Will you please rise, Mr. Wilenchick? Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WILENCHICK. I do. The correct spelling of my name, which is not entered correctly upon the subpoena, I would like to clear up on the record, because I have some hope as a creative artist that my name will survive the demise of this committee.

I will spell it for you. It is C-l-e-m-e-n-t W-i-l-e-n-c-h-i-c-k.

Mr. TAVENNER. Are you accompanied by counsel, Mr. Wilenchick?

Mr. WILENCHICK. Yes, sir.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall.

Mr. ESTERMAN. William B. Esterman.

Mr. TAVENNER. Now, when and where were you born, Mr. Wilenchick?

Mr. WILENCHICK. I was born in New York City in 1900.

Mr. TAVENNER. Where do you now reside?

Mr. WILENCHICK. I reside in Los Angeles, Mr. Tavenner.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. WILENCHICK. Approximately 15 years, one way or the other. I would say since 1937, to be exact.

Mr. TAVENNER. What is your occupation?

Mr. WILENCHICK. I am an artist and an actor.

Mr. TAVENNER. Will you tell the committee, please, briefly what your former educational training has been?

Mr. WILENCHICK. It will be very brief. I attended the public and elementary schools in New York City, in France, and in Wales. I

went to a private high school in New York City called Ethical Cultural School. I had a year at the Pennsylvania Academy of Fine Arts and some few months at the Art Student College in New York City. And I also attended Sargents Academy of Dramatic Art in New York City.

Mr. TAVENNER. Mr. Wilenchick, the committee has received a sworn statement by Richard Collins that you were a person known to him to be a member of the Communist Party in Los Angeles. We desire to know whether you were a member of the Communist Party in Los Angeles, and if so, what group it was that you were attached to?

(At this point Mr. Wilenchick conferred with Mr. Easternman and Mr. Marshall.)

Mr. WILENCHICK. May we have the question repeated, please?

Mr. JACKSON. Will you read the question, Mr. Reporter?

(The question was read.)

(At this point Mr. Wilenchick conferred with Mr. Easternman and Mr. Marshall.)

Mr. WILENCHICK. Thank you for getting right to the point, Mr. Tavenner. I will do likewise. I decline to answer that question for the following reasons, legal reasons: I decline under the first amendment and the fourth amendment and the fifth amendment.

Mr. TAVENNER. Mr. Chairman, I think that—

Mr. ESTERMAN. Just a moment, just a moment.

Mr. JACKSON. Go ahead, counsel.

Mr. TAVENNER. In light of the answer, I have no further questions.

Mr. JACKSON. No questions.

Mr. DOYLE. No questions.

Mr. JACKSON. Any reason why the witness should not be excused?

Mr. TAVENNER. No.

Mr. JACKSON. The witness is excused.

Mr. JACKSON. Mr. Counsel, will you determine if your next witness is here in the hearing room?

Mr. TAVENNER. Matilda Lewis. Is Matilda Lewis in the hearing room?

(No response.)

Mr. TAVENNER. Mr. Marshal, would you inquire in the hallway if Matilda Lewis is present?

Mr. JACKSON. It appears she has not yet arrived, Mr. Tavenner. Would this be a good time to take a 10-minute recess?

Mr. TAVENNER. Yes.

Mr. JACKSON. The committee will stand in recess until 11:30 o'clock.

(Whereupon a recess was taken from 11:20 until 11:30 a. m.)

Mr. JACKSON. The committee will be in order.

(After the recess, at 11:30 a. m., the proceedings were resumed, Representatives Donald L. Jackson and Clyde Doyle being present.)

Mr. JACKSON. Who is your next witness, Counsel?

Mr. TAVENNER. Frank Tarloff.

TESTIMONY OF FRANK TARLOFF, ACCOMPANIED BY HIS COUNSEL, MORRIS E. COHN

Mr. JACKSON. Mr. Tarloff, will you be sworn? Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. TARLOFF. I do.

Mr. TAVENNER. What is your name, please, sir?

Mr. TARLOFF. Frank Tarloff.

Mr. TAVENNER. Will you spell your last name, please?

Mr. TARLOFF. T-a-r-l-o-f-f.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. TARLOFF. Yes, I am.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. COHN. My name is Morris E. Cohn.

Mr. TAVENNER. When and where were you born, Mr. Tarloff?

Mr. TARLOFF. In New York City in 1916.

Mr. TAVENNER. Where do you now reside?

Mr. TARLOFF. In Los Angeles.

Mr. TAVENNER. How long have you resided in Los Angeles?

Mr. TARLOFF. About 10 years.

Mr. TAVENNER. What is your occupation?

Mr. TARLOFF. I am a writer. I will anticipate you a bit. Mostly in radio and television.

Mr. TAVENNER. How long have you been engaged in writing in those fields?

Mr. TARLOFF. About 12 or 13 years, approximately.

Mr. TAVENNER. Where had you engaged in that work prior to coming to Los Angeles?

Mr. TARLOFF. Well, for a very short time in New York City.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. TARLOFF. I went through the elementary and high schools of New York City, and have a B. A. degree from Brooklyn College.

Mr. TAVENNER. Mr. Tarloff, during the course of these hearings Mr. David Lang, a witness before the committee, I believe on March—I do not recall the exact date, but some time in March, Mr. Lang identified you as having been a member of the Communist Party.

The committee also has a sworn statement of Leo Townsend and also the sworn statement of Richard Collins, in both of which statements you are identified as having been a member of the Communist Party.

I would like to ask you at this time to tell the committee, please, whether you were a member of the Communist Party, and if so, what group or cell of the Communist Party was it that you were a member of.

(At this point Mr. Tarloff conferred with Mr. Cohn.)

Mr. TARLOFF. To this question and to all other questions which in my opinion invade my rights to private opinions and associations I will refuse to answer, because were I to answer this question, either in the affirmative or negative, it would be tacit admission that you have the right to ask this question, and I don't think you have the right to ask this question, because it does invade these rights guaranteed to me by one of the amendments of the Bill of Rights.

I will further refuse to answer this and similar questions because I cannot and I must insist and emphasize here that no inference of any kind may be drawn from this reason, as was held by the courts of this country. I cannot be made to testify against myself, and for these two reasons I refuse to answer this and all similar questions.

I would like to continue further. I would like to point out that I am—this is my answer to you, that after very great consideration, and

I admit at tremendous sacrifice to myself, and it is not an easy decision to make and was arrived at by myself only after the most profound self-search.

It would have been very easy to do what you ask me to do. It would have been very profitable to do what you ask me to do.

Mr. TAVENNER. I disagree with you. I don't think it is an easy matter for a witness to testify.

Mr. TARLOFF. Well, all I can tell you is what I am sacrificing in refusing on very, very high principles to answer your questions.

Mr. TAVENNER. I am very sorry you felt you had to make that type of decision.

Mr. JACKSON. The witness has refused to answer. May I ask the witness again upon what grounds?

Mr. TARLOFF. Upon the two constitutional amendments which I mentioned.

Mr. JACKSON. Which two?

Mr. TARLOFF. Which I described. Do you want them by number?

Mr. JACKSON. Yes.

Mr. TARLOFF. I believe the first and the fifth.

Mr. JACKSON. You decline to answer the questions upon the constitutional provisions of the first and fifth amendments?

Mr. TARLOFF. Yes.

Mr. JACKSON. Are there any further questions?

Mr. TAVENNER. No, in the light of the witness' answer and explanation, I have no further questions.

Mr. JACKSON. Mr. Doyle?

Mr. DOYLE. No.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No.

Mr. JACKSON. You are excused.

Has Matilda Lewis come into the hearing room?

(No response.)

Mr. JACKSON. At this time the committee will stand in recess until 1:30 this afternoon.

(Whereupon, at 11:40 a. m., the hearing was recessed, to reconvene at 1:30 p. m., the same day.)

AFTERNOON SESSION

(At the hour of 1:40 p. m., of the same day, the proceedings were resumed, with Representatives Donald L. Jackson and Clyde Doyle present.)

Mr. JACKSON. The committee regrets the delay, which is apt to go on for a few minutes more, pending word of one of the witnesses who is expected momentarily.

So if the press and audience will bear with us, we will get started as soon as we can.

The Chair might add, in that connection, that the witness who is hoped will be here shortly will be the last witness in open session today. The remaining witnesses will be heard by the committee in executive session.

(Whereupon, a recess was taken from 1:42 p. m. to 1:45 p. m.)

Mr. TAVENNER. Is Matilda Lewis in the hearing room?

(No response.)

Mr. TAVENNER. Mr. Marshal, will you inquire in the corridor?

Mr. JACKSON. Evidently Matilda Lewis is not here. If she shows up during the course of the afternoon, in the next couple of hours, the hearing will be reopened. The committee will now go into executive session.

(Whereupon, at 1:45 p. m., the committee went into executive session, until 2:15 p. m.)

Mr. JACKSON. The committee will be in order. Let the record show that the committee went into executive session at 1:45 p. m. and remained in executive session until 2:15 p. m.

The Chair has received a communication addressed to the House Committee on Un-American Activities, Federal Building, Los Angeles, Calif.

GENTLEMEN: As president of the Los Angeles Newspaper Guild, Local No. 69, a unit of the American Guild, CIO, I herewith ask that this communication be entered in your official records as a voluntary response to recent testimony before your committee.

In the testimony referred to, William Oliver identified himself as a member of the Los Angeles Newspaper Guild, while refusing to answer certain questions as to his possible connections with the Communist Party. Officers of this guild have no knowledge of any cell of the Communist Party now existing in the Los Angeles Newspaper Guild.

The Los Angeles Newspaper Guild and the entire American Newspaper Guild organization is in full accord with the Congress of Industrial Organizations' stand against Communist-dominated unions.

All officers of the Los Angeles Newspaper Guild have for years past complied with the non-Communist affidavit requirements of the Taft-Hartley law.

The general membership of the Los Angeles Newspaper Guild is on official record, by resolution voted in July of 1952, as follows:

"Hereby urges legislative groups and authorized Federal bodies or agencies to increase the guard against subversive and treasonable activities on the part of any person, group of persons, or political party that threatens the security, freedom, and well-being of the people of the United States."

As a trade union, the Los Angeles Newspaper Guild is unable to exclude from membership any professional newspaper worker if he meets the qualifications of the profession, but the overwhelming majority of its membership has long ago learned the freedom-destroying dangers of communism and has long ago roused itself to assert and keep control of the union's affairs from any possible Communist or other un-American domination.

And that is signed "George Meenes, president, Los Angeles Newspaper Guild, 69, CIO."

The committee is very happy to receive the communication and it will be entered in the record.

Who is your first witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Ruskin.

Mr. JACKSON. Will you please stand and raise your right hand? Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RUSKIN. I do.

TESTIMONY OF SHIMEN RUSKIN, ACCOMPANIED BY HIS COUNSEL, WILLIAM B. ESTERMAN AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, sir?

Mr. RUSKIN. My name is Shimen Ruskin.

Mr. TAVENNER. Would you spell your name, please?

Mr. RUSKIN. S-h-i-m-e-n, and my last name is R-u-s-k-in.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. RUSKIN. Yes; I am.

Mr. TAVENNER. Will counsel identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall.

Mr. ESTERMAN. William B. Esterman.

Mr. TAVENNER. When and where were you born, Mr. Ruskin?

Mr. RUSKIN. I was born in Vilno, Poland, February 1907.

Mr. TAVENNER. When did you come to the United States?

Mr. RUSKIN. I came to the United States in 1923 in search for freedom.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. RUSKIN. Yes; I am, sir.

Mr. TAVENNER. When did you become a naturalized citizen, and where?

Mr. RUSKIN. In New York City in 1929.

Mr. TAVENNER. Where do you now reside?

Mr. RUSKIN. In Los Angeles.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. RUSKIN. Thirteen years.

Mr. TAVENNER. What is your profession or occupation?

Mr. RUSKIN. I am an actor, sir. I have been an actor all my life, a good actor. I do not say that in the sense of vanity, but I have always tried to bring truth to my work in whatever part was given me.

Mr. TAVENNER. Mr. Ruskin, were you ever a member of the northwest section of the Communist Party of the county of Los Angeles?

Mr. RUSKIN. Mr. Tavenner, to answer that question would be the same as to ask me to pile a stone toward the foundation of gas chambers.

My family, my father, my mother, and all my sisters and brothers were burned by Mr. Hitler.

This committee represents to me the very same danger. I am afraid of it. I have been under subpena for 9 months. I haven't slept well. I lived in fear of this committee and I will not cooperate with this committee.

I decline to answer this question on my constitutional grounds, and, to make it brief for you, the first and the fifth amendments.

Mr. TAVENNER. In view of the witness' answer, I will ask no further questions.

Mr. JACKSON. Any questions, Mr. Doyle?

Mr. DOYLE. I think I have no questions at this time.

Mr. JACKSON. There is no reason why the witness should not be excused, Mr. Tavenner?

Mr. TAVENNER. No, sir.

Mr. JACKSON. The witness is excused.

Mr. TAVENNER. Mr. Nedrick Young.

Mr. JACKSON. Mr. Young, will you please raise your right hand? Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. YOUNG. I do.

**TESTIMONY OF NED YOUNG, ACCOMPANIED BY HIS COUNSEL,
WILLIAM B. ESTERMAN AND DANIEL G. MARSHALL**

Mr. TAVENNER. What is your name, please, sir?

Mr. YOUNG. My legal name is Ned Young. The name "Nedrick Young" that appears on the subpoena is a professional name which I have been advised that I will have no longer any use for by a member of your staff.

Mr. TAVENNER. Are you represented by counsel?

Mr. YOUNG. Yes; I am.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall.

Mr. ESTERMAN. William B. Esterman.

Mr. TAVENNER. Now, when and where were you born, Mr. Young?

Mr. YOUNG. I was born in Philadelphia in May of 1914.

Mr. TAVENNER. Where do you now reside?

Mr. YOUNG. I reside in the county of Los Angeles.

Mr. TAVENNER. How long have you lived in the county of Los Angeles?

Mr. YOUNG. For approximately 13 years.

Mr. TAVENNER. What is your occupation?

Mr. YOUNG. My occupation was that of an actor and writer.

Mr. TAVENNER. Will you tell the committee briefly, please, what your formal educational training has been for your profession?

Mr. YOUNG. My formal educational training consists of an elementary and partial high-school education in the schools of New York and Philadelphia, and a thorough groundwork in the master works of American literature.

My education really began with Emerson and Thoreau, with Jefferson and Lincoln, men who subscribed to ideas that the chairman of this committee would gladly burn along with the assistance—

Mr. JACKSON. That is an absolute false statement.

Mr. YOUNG. The chairman of this committee has introduced a bill into the Congress, bill No. 6335, which provides for the congressional librarian to brand such books as he deems subversive.

Mr. JACKSON. The introduction of any piece of legislation by the chairman of this committee is a matter which will be decided in due course by the Congress of the United States and not by the witness who is presently in the witness chair.

Mr. YOUNG. And which will be discussed by the people of the United States. You made a statement that I take exception to, Mr. Jackson.

Mr. JACKSON. I take exception to your attitude and manner.

Mr. YOUNG. A little while ago you referred to Congress as the highest body in the United States. You are wrong. The highest body of the United States is the people.

Mr. JACKSON. Will you please answer the question? Your contempt is of a very low order and will never win any awards if they were handing out presents for contempt before this committee.

Mr. YOUNG. I think that is a pretty low humor and I don't think I like it.

Mr. JACKSON. Will you please proceed?

Mr. YOUNG. Do you seriously think you can pound the truth in the dust with that gavel?

Mr. JACKSON. Will you please continue with your answer?

Mr. TAVENNER. Have you completed advising the committee of your educational, formal educational training?

Mr. YOUNG. All that is pertinent to this inquiry, I am certain.

Mr. TAVENNER. Mr. Young, have you been a member of the Communist Party while in Los Angeles?

Mr. YOUNG. Do you have any evidence to this effect, or testimony to this effect? If you have, produce it.

Mr. JACKSON. Answer the question.

Mr. YOUNG. I challenge this committee to produce such evidence.

Mr. JACKSON. Will you answer the question?

Mr. YOUNG. Of course, I won't answer this question.

Mr. JACKSON. Very well; do you decline to answer the question?

Mr. YOUNG. I most certainly do and wish to state my grounds.

Mr. JACKSON. Go ahead.

(At this point Mr. Young conferred with Mr. Esterman and Mr. Marshall.)

Mr. YOUNG. I wish to say, first of all, as an American citizen and as a father, I will not answer any questions that are propounded to me as a result of coercion.

I also will most certainly refuse to answer any questions of a committee that refuses to confront me with an accuser, the most primitive American right.

Why don't you tell me what evidence you have against me?

Mr. JACKSON. Will you please continue with the reasons for your declination to answer the question?

Mr. YOUNG. I think this is a disgusting American procedure.

Mr. JACKSON. Your observation is entered in the record. Will you please continue with your declination, the reasons for it, if you please.

Mr. YOUNG. My feeling is, and I must explain to you, and I will be brief, that the Constitution of the United States is the muscle fiber of our democracy and it must be continually exercised against bodies such as this if our democracy is to remain healthy.

I think that this committee has been suppressive of every voice in America that has spoken out for the needs and desires of decent people of America for better wages, better living, the right to work together; for freedom, for racial equality in its deepest sense, for peace in its deepest sense.

The present chairman of this committee told falsehoods in the Halls of Congress, and I would like to document this; and the result of these falsehoods was the storing up of force and violence in what had been a peaceful community up until now.

Mr. JACKSON. If that came from any other source than yourself the committee would probably consider it, but when a man is asked if he is a member of the Communist Party and does not have the manhood to answer the question, then we don't think it bears very much weight.

Mr. YOUNG. You refuse to let this documentation be read into the record.

Mr. JACKSON. The documents that you have have nothing to do with the question you have been asked and declined to answer. Will you please continue with your reasons for declining?

Mr. YOUNG. I invoke, I exercise and defend the Constitution of the United States against this body and all similar bodies.

I will not answer your question, because to answer your question would be to concede your right to ask it, and this I do not do. I consider this committee a flagrant corruption of the Constitution, and I consider it designed to invade the right to think, to speak, to act, to assemble with people freely. This I will never be a party to.

I decline to answer your question on the basis of the first amendment.

And I further invoke and exercise and protect that area of the Constitution that states that a person accused of a crime shall be confronted by his accuser and shall be given the right to cross-examine.

Mr. JACKSON. Of what crime have you been accused?

Mr. YOUNG. Why am I being punished?

Mr. JACKSON. You are not being punished. You are here because you have been identified as a member of the Communist Party.

Mr. YOUNG. By whom?

Mr. JACKSON. Will you answer the question? Are you a member of the Communist Party?

Mr. YOUNG. By whom?

Mr. JACKSON. The committee is asking the questions. Will you answer the question: Are you a member of the Communist Party?

Mr. YOUNG. By whom was I identified as a member of the Communist Party? I defy you to say by whom.

Mr. JACKSON. That is information which has been developed by this committee and which may or may not be brought out during the course of this testimony. If you want to clear yourself of any charge or allegation, you have here a great forum in which to do it. If that information is incorrect, all you have to do is say, "Sir, I have not been a member of the Communist Party."

Mr. YOUNG. I am glad you called this a forum.

Mr. JACKSON. It is a great American forum.

Mr. YOUNG. As a matter of fact, I agree with you. I agree with you—I agree that you call it a forum and I agree that you call this the greatest forum in the world.

Mr. JACKSON. No, I never called it the greatest forum in the world. I have called the House of Representatives the greatest forum in the world. If you know a forum before which you would not have been shot for your attitude except in the free forum of a free people, I would like to have you point it out to us.

Mr. YOUNG. I resent that.

Mr. JACKSON. That is quite all right. I resent what you are saying.

Mr. YOUNG. That is all right.

Mr. JACKSON. If you don't think I resent sitting here day after day and being abused by men of your stripe and background, you are entirely in error.

Mr. YOUNG. How low can you get? I think you are a contemptible man.

Mr. JACKSON. I am proud to be called contemptible by people such as you, sir, and let that be very clear in the record. If you did not believe me to be contemptible, I would step out of this position immediately and take a look at where I was going.

Mr. YOUNG. I think you should and I think the American people should take a look at where you are going. I will tell you where you are going.

Mr. JACKSON. My people will take care of where I am going.

Mr. YOUNG. You are going in the direction of fascism.

Mr. JACKSON. I would rather be going in the direction of fascism than where you are going.

Mr. YOUNG. I am sure you would.

Mr. JACKSON. I would much rather be going where I am than to be a slave and a lackey to the Communist Party.

Mr. YOUNG. Fascism is better than anything, isn't it, Mr. Jackson?

Mr. JACKSON. Fascism is no good. It is the same sort of thing as communism. There is no difference between the two of them. Either one would make a slave out of you.

Mr. YOUNG. I think your intellectual prattle is extremely revealing, Mr. Jackson.

Mr. JACKSON. Continue with your answers, will you please?

Mr. YOUNG. Yes. I ask again I be confronted with witnesses.

Mr. JACKSON. You are not going to be confronted by anyone. Will you please continue with your reasons?

Mr. YOUNG. What is his name, Mr. Jackson? I was told by a member of your staff that my future and my career was ended. I will give you the exact words. He said, "I am sorry you won't give me any more information. You know what will happen. This is your future and your career." And I tell you it is my conscience and my country.

Mr. JACKSON. Will you bring witnesses before the committee to substantiate that?

Mr. YOUNG. I won't bring anything before your committee.

Mr. JACKSON. To substantiate your statement. How can we take your word, the word of a man who will not deny whether he is a member of the Communist Party?

Mr. YOUNG. I am under oath, and I remember you said that you prefer nazism or fascism to America.

Mr. JACKSON. That will be all of the discussion. Will you continue with your answers?

Mr. YOUNG. Again, I invoke, I exercise and I protect that area of the Constitution of the United States which says that no one shall be deprived of life, liberty, or property without due process of law, and I consider my right to work as the most sacred property any man ever had.

I consider the right to a job to support my children as being taken away from me by whom you will not confront me with, my accuser, you who dares to pound a gavel and call this a forum.

Mr. JACKSON. Will you please continue with your reasons, sir?

Mr. YOUNG. I wish to further invoke particularly, in view of the statement you made this morning, that the Congress is the highest body of the United States, the ninth and tenth amendments which state that the people reserve to themselves the rights which have not been specifically delegated to Congress.

It is not your function to tell me what to think, Mr. Jackson. It is my function to tell you how to vote.

Mr. JACKSON. The function of the Congress is as a representative of the American people. That is fundamental.

Mr. YOUNG. Why don't you start representing them? I am sure the American people wouldn't prefer fascism to anything else, or they wouldn't prefer fascism——

Mr. JACKSON. Nor did I say fascism. I said they were both of the same stripe.

Mr. YOUNG. Let the record be read. I am sure it will be carefully edited before——

Mr. JACKSON. I told you fascism and communism, to my mind, are identical twins.

Mr. YOUNG. May I request that the record be read?

Mr. JACKSON. You will request from now to midnight, if you care to. We are going on with the hearing.

Mr. YOUNG. I would be delighted to stay here from now until midnight.

Mr. JACKSON. Will you please continue?

Mr. YOUNG. Please don't pound the gavel at me.

Mr. JACKSON. I shall pound the gavel as much as I desire. The gavel, although you have no respect for it——

Mr. YOUNG. I am sure you desire to pound it.

Mr. JACKSON (continuing). Although you evidently have no respect for any authority whatever, the gavel still remains the symbol of the Congress of the United States, and I am wielding it as a symbol of the authority of the Congress of the United States and the American people.

Mr. YOUNG. It happens that you are wielding it on behalf of your inability to answer a question, to present——

Mr. JACKSON. I will not take dictation from you.

Mr. YOUNG (continuing). Who my accuser is. This is costing my livelihood. I will never work again.

Mr. JACKSON. None of us will ever work again, unless you get on with your reasons——

Mr. YOUNG. This is the fruits of the tacit approval, the defense of these people, that you have been making all week. I have sat here and watched this. I think that is just rotten.

Mr. JACKSON. What replies has the witness made, what constitutional——

Mr. YOUNG. I have not finished my answer.

Mr. JACKSON. Just a moment.

Mr. TAVENNER. I think he is at the ninth and tenth amendments by this time.

Mr. YOUNG. That is correct.

Mr. JACKSON. Will you please proceed?

Mr. TAVENNER. I may say that, although the witness has arrived at the ninth and tenth amendments, I did not hear him refer to the fifth amendment.

Mr. YOUNG. You will presently.

Mr. JACKSON. Please proceed.

Mr. YOUNG. I further invoke, exercise, and protect with my total conscience and with every ounce of pride at my command, and with all the emphasis I can muster and for all the people of the United States, it is petty tyrannies like this that section of the fifth amendment that permits people to speak freely and honestly and to exercise against compulsion to bear witness against themselves applies.

Mr. JACKSON. Have you concluded?

Mr. YOUNG. I would like you to bear witness against me. Will you name my accuser?

Mr. JACKSON. Have you concluded your reasons for declining to answer the question?

Mr. YOUNG. I have concluded my reasons.

Mr. JACKSON. Are there any further questions, Mr. Tavenner?

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. Any further questions, Mr. Doyle?

Mr. DOYLE. No.

Mr. JACKSON. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. JACKSON. The witness is excused.

Mr. JACKSON. Who is your next witness, Mr. Counsel?

Mr. TAVENNER. Sol Kaplan.

Mr. JACKSON. Do you solemnly swear in the testimony you are about to give, you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KAPLAN. I do.

Mr. JACKSON. Proceed, Mr. Counsel.

TESTIMONY OF SOL KAPLAN, ACCOMPANIED BY HIS COUNSEL, WILLIAM B. ESTERMAN AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, sir?

Mr. KAPLAN. My name is Sol Kaplan.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. KAPLAN. The best.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall.

Mr. ESTERMAN. William B. Esterman.

Mr. KAPLAN. Mr. Tavenner, I would appreciate it if the photographers would take all the pictures they want now and after my testimony, but—

Mr. TAVENNER. When and where were you born, Mr. Kaplan?

Mr. KAPLAN. I was born in Philadelphia on April 19, 1919; Philadelphia, Pa.

Mr. TAVENNER. Where do you now reside?

Mr. KAPLAN. In Los Angeles.

Mr. TAVENNER. How long have you resided in Los Angeles?

Mr. KAPLAN. Since about 1946 on.

Mr. TAVENNER. What is your profession or occupation?

Mr. KAPLAN. I am a musician and a composer.

Mr. TAVENNER. Will you state to the committee, please, what your educational, formal educational training has been?

Mr. KAPLAN. Yes. My education began at a very early age, formal education. When I was about 5 I was given a scholarship to the preparatory school of Curtis Institute of Music in Philadelphia.

Shortly thereafter, when I was about 5½, I played my first piano recital. Subsequently I studied and performed in many concerts, won many scholarships. I performed with major symphony orchestras and had many successful recitals in New York's Carnegie Hall.

I graduated from the Curtis Institute of Music in three majors. I believe I am one of the few students that accomplished this. I graduated in piano, in composition, and conducting.

Also, during the course of this study I received a scholarship for further composition study to Italy. I continued my concert career and composing until, in 1940, I was called out to Hollywood to write the score for a movie called "Sister Carrie." At that time the film was canceled; so I returned to my concert career.

In 1941, I resumed film work for a brief period of time and among the scores was the film "Tales of Manhattan."

Subsequently there was a period in the Army. After the Army, I did a show called Shootin' Star. This was a musical based on the saga of Billy the Kid.

In 1947, I went to France as music director for Alice in Wonderland.

I returned to work in Hollywood and I have scored many films, many successful films. Among some of the scores I have done are "Mr. 880," "I Climbed the Highest Mountain"—this was a very charming film about an honest preacher—"I Can Get It for You Wholesale," "Kangaroo," "Way of a Gaucho," "Niagara," "Destination Gobi," a comedy about congressional investigations, properly entitled "Something for the Birds," and the yet unreleased "Titanic."

So, as you see, Mr. Tavenner, music is very important to me and has been my whole life. I cannot divorce myself from that thinking, when I sit here before you at this particular moment, because from the earliest primitive chants to the symphonies of Beethoven and the folk-songs of every people music has expressed mankind's deepest emotions and highest aspirations.

MR. JACKSON. Mr. Kaplan, may I interrupt you a moment?

Is this responsive to a question which has been asked, Mr. Tavenner?

MR. TAVENNER. I think at the moment it has gotten beyond the question that I asked.

MR. JACKSON. The formal academic training, I think was the question.

MR. KAPLAN. I think it is very interesting that this committee, which has called me before it, particularly they called me as a musician and composer, and it might be of some value to this committee to learn a little bit about music and what it stands for, unless, of course, you know about it already.

MR. JACKSON. We have heard a considerable amount about it. We heard about Mr. Shostakovich who crawled on his musical belly, for one thing.

MR. KAPLAN. Have you ever heard a piece of Mr. Shostakovich? Will you name it?

MR. JACKSON. I have heard a great many pieces. I am not going to enter into any discussion with you at this time.

MR. KAPLAN. Because you are not a music critic, but you are trying to be one at this time.

MR. JACKSON. Proceed, please.

MR. KAPLAN. If you have any musical opinions, address them to the music columns of the New York Times.

MR. JACKSON. I will refer to Mr. Shostakovich who did crawl on his cultural belly for the musical commissars.

Mr. KAPLAN. I have not finished.

Mr. JACKSON. Just a moment, Mr. Kaplan. Is there a question pending?

Mr. TAVENNER. I believe the witness has completed his answer to the question as to what his formal education and training has been.

Mr. KAPLAN. I said I have not completed.

Mr. TAVENNER. Well, have you engaged in any formal educational training other than that which you have mentioned?

Mr. KAPLAN. Well, from the background that I have given you, Mr. Tavenner, obviously my training is quite different than the formal training of—

Mr. TAVENNER. I think that is a matter that the committee is capable of judging, and it is only necessary that you state in a general way what your educational training has been, and I believe you have pretty well covered that.

Mr. KAPLAN. In other words, you don't want to hear about the other training that I think is equally important?

Mr. TAVENNER. Have you had training—

Mr. KAPLAN. I think it is of great educational value. Are you interested, Mr. Tavenner, in the question of education?

Mr. JACKSON. Is it formal education which you personally have received?

Mr. KAPLAN. Yes, very definitely. It is the formal education that was given to me, the heritage that was given to me by my father and mother, and I think this is very important.

Mr. JACKSON. You were asked for your formal academic training.

Mr. KAPLAN. I don't think one is divorced from the other, Mr. Jackson.

Mr. JACKSON. That is the question, Mr. Kaplan. Have you completed the statement as to your formal academic training?

Mr. KAPLAN. In my opinion, I have not. Therefore, if I may continue, I will.

Mr. JACKSON. If it deals with formal academic training, you may continue.

Mr. KAPLAN. I think the education that was given to me, and the heritage, by my mother and father is something that I am very proud of, and I think it is part and parcel of why I am here, too. Therefore, if I may be permitted to continue, I would like to state that I am here because my father is a workingman—

Mr. TAVENNER. Mr. Chairman, quite obviously that is not in response to my question.

Mr. JACKSON. Strike it from the record. You are not here at all because your father is a workingman.

Mr. KAPLAN. Are you afraid of workingmen, Mr. Jackson, is that why you strike it from the record?

Mr. JACKSON. You are not here because your father is a workingman, but because the committee has information which indicates that you have been and possibly are now a member of the Communist Party.

Mr. KAPLAN. You know darn well that is a good reason, because you don't like workers.

Mr. JACKSON. That, of course, is a malicious statement and without any foundation.

Mr. KAPLAN. All his life my father was faced with intimidation and blacklist.

Mr. JACKSON. That has nothing to do with your formal education.

Mr. KAPLAN. It certainly has. I understand this committee. That is part of the education I have. And I understand men like you very well, Mr. Jackson. I know what discrimination means.

Mr. JACKSON. If you want to enter your knowledge of this committee as a portion of your formal academic training, that is quite all right, but will you please confine your answer to such formal academic training?

Mr. KAPLAN. You are trying to silence me, Mr. Jackson. If I may continue and describe what my education has been, as far as my mother and father is concerned, I think that might have some bearing.

Mr. JACKSON. All right, if it will speed the process, go ahead and give us the training as far as your mother and father are concerned.

Mr. KAPLAN. I started to say before that I am here because my father is a workingman, a presser in the garment industry, a Jew. In my childhood I knew the bitterness of the sweatshop, of unemployment, and of anti-Semitism. I learned courage and faith from his struggle, the fight common to all working people, that their children might have a life better than theirs.

All his life my father, as I said, was faced with intimidation, blacklist and discrimination, as I am today in this committee room. He has never given up this fight, nor shall I.

And this is the end to the question of education.

Mr. TAVENNER. Mr. Kaplan, during the period of your residence in Los Angeles have you at any time been a member of the Communist Party?

Mr. KAPLAN. Why do you ask me that question, Mr. Tavenner?

Mr. TAVENNER. Will you answer the question?

Mr. KAPLAN. I am interested in asking why you ask me this question.

Mr. TAVENNER. Mr. Chairman, may I ask that the witness be directed to answer?

Mr. JACKSON. The witness is directed to answer the question.

(At this point Mr. Kaplan conferred with Mr. Esterman and Mr. Marshall.)

Mr. KAPLAN. I would appreciate it if that fan will be turned off, because the papers keep flying up and down here. Is it possible?

Thank you very much.

Mr. Tavenner, the reason I asked why is I think pretty obvious to you. By asking this question it means that I have been accused by someone, for if I have not been accused, why would you ask this question? Therefore I think it is only fair for me to ask who is my accuser. I would like to face this being face to face. But at least for the moment could you supply this accuser's name? Because if you can't, then I think you should withdraw this question.

Mr. JACKSON. You have been directed to answer the question, Mr. Kaplan.

Mr. KAPLAN. In other words, you can't produce anybody, so therefore you just say "Go ahead, answer the question; get yourself black-listed," because you know that I am not going to cooperate with this kind of committee.

Mr. JACKSON. The information compiled by this committee is of a nature which the committee has every reason to believe is accurate. You have simply to deny it, if it is not accurate, and the entire matter can be solved very easily.

Mr. KAPLAN. Produce this information, please.

Mr. JACKSON. Please answer the question.

Mr. KAPLAN. Why don't you want to produce it?

Mr. JACKSON. Will you answer the question?

Mr. KAPLAN. Are you afraid to produce it, or is it because you haven't got any information? What are you trying to do to me, Mr. Jackson?

Mr. JACKSON. I am trying to do nothing to you, Mr. Kaplan.

Mr. KAPLAN. I think you are deliberately trying to silence me as a musician, you are trying to stop me from working at a livelihood which I have shown great capability at, and you are trying to stop my children from having enough food, for me to pay the rent. And do you know why? Because you hate anybody that opposes you.

Mr. JACKSON. You have been directed to answer the question.

Mr. KAPLAN. Ordinarily I wouldn't bother answering the question for Donald K. Jackson, whatever your initial is. Do you know why, Mr. Jackson.

Mr. JACKSON. No, because——

Mr. KAPLAN. Any man who compares a bishop to a horse, and religion to horseracing, is a bigot, a perverter, and a devil on earth, and I accuse you of all of that.

Mr. TAVENNER. Mr. Chairman, this is, of course, entirely aside from the question. I suggest that the witness be directed to answer the question.

Mr. JACKSON. The witness has been directed to answer the question.

Mr. KAPLAN. Without an accuser you demand that I answer this question? Very well.

If the press is free they will print this and see the stupidity of this questioning and the line with which you proceed.

You accuse without fact, you pronounce one guilty before there is a chance of any public trial, because you just can't stand anybody, you can't stand anybody that opposes you.

Very well. You asked this question. I will be blacklisted tomorrow, there is no question about that. Do you know why? Because I am going to answer this question.

In the first place, you have no right——

Mr. JACKSON. Will you please answer the question?

Mr. KAPLAN. I am answering the question, Mr. Jackson. I am going to answer it in my way.

Mr. JACKSON. You are stating the rights of the committee, which is not relative to the question that was asked you.

Mr. KAPLAN. How do you know what I was going to say? What did I say?

Mr. JACKSON. That we had no right to——

Mr. KAPLAN. How do you know what I was going to say after that?

Mr. JACKSON. Answer the question or decline to answer it.

Mr. KAPLAN. I am going to answer it in my way. I am not your Charlie McCarthy, I am no block of wood.

Mr. JACKSON. Get on with your answer.

Mr. KAPLAN. Your ventriloquism does not work with me.

Mr. JACKSON. No. I would pick another dummy.

Mr. KAPLAN. I am quite sure you would.

Mr. JACKSON. Please answer the question.

• Mr. KAPLAN. You are very strong with that blackjack in your hand.

Mr. JACKSON. Let's have quiet, please.

Mr. KAPLAN. You have no right to invade or abridge the freedom of speech, of association, of religion, of the press, or the right of people peaceably to assemble.

You are doing this, of course. You have got no right to do it.

I would like to point out that these amendments and the Bill of Rights, which our Founding Fathers found so important, because they realized what might take place by just such inquisitions, that these amendments were designed against barbarism, and against physical and mental torture, all of which this committee is guilty of.

Further, I refuse to answer the question because the Constitution, which you have sworn to uphold, forbids you from asking this question.

Another ground for not answering this question is that I think as I please, and I say what I think when I want to say it, and your blackjack will not get me to say anything that I don't want to say.

Mr. JACKSON. That is known as the freedom of speech in which you are presently indulging, Mr. Kaplan.

Mr. KAPLAN. For once your gavel is silent.

You have no right to inquire into anyone's conscience, and you cannot force me to give up my conscience.

Further, since you obviously have tried me behind my back and can produce no witness, and this is very obvious, and I would love for my studio to take note of this before they blacklist me, you have usurped the judicial rights without the witness, meaning myself, having the right he would have in court, such as the right to be confronted with witnesses against him and to be informed of the nature and the cause of the accusation.

A further ground for not answering is a ground stated by President Roosevelt, and I notice that your freedom clubbers boo his name, and by President Roosevelt in a message to the Museum of Modern Art, May 10, 1939, in which he stated:

The arts cannot survive except where men are free to be themselves and to be in charge of the discipline of their bone energies and ardors. The conditions for democracy and for art are one and the same thing. What we call liberty in politics resulted in freedom of the arts, and it is no accident that you chose to take away the economic security of the articulate artists, for in doing so you hope to make many vulnerable to your dictates and to artistic corruption.

The Nazi leaders succeeded in these efforts, but you will fail.

The further ground for not answering this question is that I don't believe that you have the right to search and seize my mind. I wouldn't allow you to do that.

Still another ground is that I have a right in front of this Mr. X of yours, this mystery witness that you cannot produce and cross-examine him, for that reason, too, I shall not answer your question.

An additional ground is that you have no right to inflict cruel or unusual punishment, and this is something that you are doing every day as long as you are in existence.

Still another ground is that I will not be a party to any committee whose acting chairman incites force and violence. I abhor force and violence, and for that reason, too, I will not answer this question.

An additional ground is this one: The Nazis removed the music of Mendelssohn, Meyerbeer, Offenbach, Ravel, and Mahler and countless others from the German scene. But the people, incidentally, didn't forget that great music, the lilting melodies and new sounds and the strong rhythms.

Similarly the permanent chairman of this committee, one Harold Velde, is trying to remove books from our libraries and collections and colleges, and if he is successful in doing that, which I doubt because I have great faith in the American people—how far is good literature reduced or away from good music?

In addition, since I am a musician, I would like to point out that I cannot answer this question, because if great composers like Beethoven, Chopin, were in America today and alive and they would be facing this same inquisition, do you know what they would say? "You have got no right to existence." Their music will live.

A further ground is, and this is one which I proudly invoke, and since I know the tactics by watching this committee operate today, that the minute I invoke this ground there will be no further questions, and whisk, off the stand until a friendly witness appears to take all the time, and so you can pat them on the back and not hear anything new because you heard everything new that a friendly witness tells; you have heard it in rehearsal.

I nevertheless, very proudly invoke article 5 of the Constitution, which states that you cannot force me or compel me to be a witness against myself, nor can I be deprived of life, liberty, or property without due process of law.

And, incidentally, I defend this due process of law so that I can once again face this mysterious Mr. X who has accused me, in quotes.

Mr. TAVENNER. When you referred to article 5 of the Constitution you meant the fifth amendment to the Constitution?

Mr. KAPLAN. That is right. I have a copy of the Constitution of the United States here. It says article 5.

Mr. TAVENNER. I merely wanted the record to show what you meant.

Mr. KAPLAN. The fifth amendment is a very nice word, Mr. Tavenner. I don't know if you are quite familiar with what Justice Black said about the fifth amendment. Would you like to hear it?

Mr. JACKSON. Do you have any further questions, Mr. Tavenner?

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. Do you have any questions, Mr. Doyle?

Mr. DOYLE. I think perhaps I do. Not so much a question of this eminent musician, but I think he has made a few remarks that I want to make clear to him I think are not founded on fact.

Mr. KAPLAN. Go ahead, Mr. Doyle. I am listening.

Mr. DOYLE. Will you try to listen for just a moment with an open mind, and feel that I am not going to criticize you, sir?

Mr. KAPLAN. I have been listening to you and I can assure you I will be much more openminded than the members of this committee.

Mr. DOYLE. Well, of course, if you feel that way about it, your mind is not open toward any member of this committee, and that is what I regret.

Mr. KAPLAN. Mr. Doyle, you don't have a gavel, so I am sure it is all right. You just proceed and I will listen very carefully.

Mr. JACKSON. Your humor is very touching.

Mr. KAPLAN. I refuse to listen and ignore the barbs of a barbarian.

MR. JACKSON. That is quite all right. If I am a barbarian, I am glad to be out of your type of civilization.

MR. KAPLAN. Thank God for that statement.

MR. DOYLE. Mr. Kaplan, of course in the field of music I am not well versed. But I love music. I appreciate it as a layman. I feel as you do that music is the international language. I have felt that for many years. But it worries me when you, as a young American man, feel that any congressional committee is asking you to meet with us because your father was a worker or because you are, as you said, a Jew.

Now, the only reason I mention that at all, Mr. Kaplan, is—and I never would have mentioned it if you yourself hadn't mentioned it expressly as one reason why you are called to this committee. I wish to assure you that that is not based in fact.

MR. KAPLAN. Would you give me the proof of that, please? Would you show me where this committee has ever been good to workers or good to Jews?

MR. JACKSON. I can't let that statement go unchallenged. I want to add something here.

MR. DOYLE. Go ahead.

MR. JACKSON. I would like to say that perhaps you did not read the statement that was read into the record this afternoon. I suppose you consider the members of the American Newspaper Guild, CIO, to be workers? We had a communication from them this afternoon. We have had communications from a great many labor unions throughout this land. We have had the active help and assistance of labor leaders and of union members, so to say that this committee is in any way doing anything to damage the workingman is not a statement which is based in fact.

No individual has ever been called before this committee because he was a Catholic, Protestant, or Jew. He has been called because there was pertinent information in sworn testimony which indicated that he might be in possession of information which could be of service to the committee and to the Congress.

This committee is not antiananything. I can assure you of that, sir.

MR. DOYLE. I just wish to emphasize, Mr. Kaplan, that I think I can understand your feeling of bitterness. You have told me enough to have me realize the picture, the conditions under which you were raised and the struggle you had to gain your musical achievement, and I wish to compliment you on your achieving the pinnacle of success in your profession. But I would be less than a fellow American if I didn't say to you—because this may be and probably is the last time I will ever see you—that I think you appraise this committee, as a committee of the United States Congress, essentially wrong and in error.

I think perhaps the struggle you had to make your living and the struggle your father made as a presser and as a worker, which you gave to us so vividly, as you thought, a reason why you were called. I think you are in error. I know you are in error, sir, and I would be less than a fellow American if I didn't say that to you.

MR. KAPLAN. Can you tell me why I am called here?

MR. DOYLE. Yes.

MR. KAPLAN. You have given me no proof.

Mr. DOYLE. Yes. I am glad you asked me that because I wrote down here—and this was my next observation—you said, “Why do you ask me that question, Mr. Tavenner?” You remember asking that question?

Mr. KAPLAN. I certainly do.

Mr. DOYLE. I wrote down your exact words and I thought perhaps I would try to sincerely and briefly tell you why I thought you were here. And I want you to keep your mind open, if you will, enough toward me as one of the committee members, who didn't ask for this assignment. I can assure you it is not a picnic to sit on this committee and listen to some of the untrue, unfounded things that are said to it—

Mr. KAPLAN. Can you do something about getting me a job tomorrow morning? I expect to be fired tonight. If you expect my sympathy for you sitting here, you are wrong.

Mr. DOYLE. No, no, bless your heart, I don't ask your sympathy or sympathy from any other man.

Mr. KAPLAN. But you will be working tomorrow, won't you, Mr. Doyle?

Mr. DOYLE. Well, now, you asked Mr. Tavenner a question and you asked me the same question.

Mr. KAPLAN. I had to interrupt you at this point because I felt my heart strings were being tugged.

Mr. DOYLE. No, no. I still have a little heart in me though, although you don't think we do. Don't you see that some of us are not as heartless as you apparently think we are. Some of us still have a lot of tolerance in our souls regardless of what color, creed, or race a man is born in. You don't seem to think we do.

Mr. KAPLAN. If you did, Mr. Doyle, you would get off of this committee as of this time.

Mr. DOYLE. Not at all, not at all. And now let me answer you briefly why you have been called here.

First, under Public Law 601, this is a committee assigned by the United States Congress, your Congress, sir to investigate—

Mr. KAPLAN. Oh, yes, subversive propaganda. Will you tell me what is subversive about my music that I wrote, if you please? You have been investigating subversive propaganda for 15 or 16 years, and using up the taxpayers' money. Why the heck didn't you recommend some legislation that would be for the good of the country? Why? Why? Because this is a committee of smear.

Mr. JACKSON. You are speaking of the Smith Act.

Mr. KAPLAN. You know what I am speaking about. It is a smear.

Mr. JACKSON. Let me again interrupt for the record. The Internal Security Act as passed incorporated a number of recommendations made by this committee and originally contained in the Mundt-Nixon bill. In addition to that there are several proposed bills in the Congress now which were recommended by this committee.

Mr. DOYLE. I am talking the way I am with you—

Mr. KAPLAN. After 15 or 16 years, Mr. Jackson. I wanted to make that clear.

Excuse me, Mr. Doyle.

Mr. DOYLE. I am talking with you as I am—you are a somewhat younger man. We are not investigating music, bless you, not at all.

That is not why you are here. I hope you know that. Apparently you have misconstrued——

Mr. KAPLAN. I can see no other reason. My life has been with music since I am 5 years old. I made that clear before.

Mr. DOYLE. Under Public Law 601, with which you are apparently familiar, in connection with Public Law 601, subsequent thereto in the 81st Congress, Mr. Kaplan, your own Congress made this declaration in Public Law 831——

Mr. KAPLAN. Are you going to take off on the McCarran Act again, or concentration camps? Yes; I have heard this over television last week. When you do that, how can you do that, when you came out and posed as a friend of labor, and yet you are for this.

You know as well as I do the real liberals came out against that act. And I think that is phony, Mr. Doyle. That is why I can't go for this "bless you" business. I don't believe you. If I did believe you, I would have to say to you what I did before, "Get out of this committee, because this committee is corrupting you." And I tell you if you persist in your line you are going to be sitting in this chair [indicating]. You will maintain your position as a liberal—I asked no pictures be taken.

Mr. JACKSON. The Chair will not make any request so far as the still photographers are concerned.

Mr. KAPLAN. Your own counsel granted me that.

Mr. JACKSON. The Chair will——

Mr. KAPLAN. Oh, I love the photographers, Mr. Jackson. I just happened to see some photos recently and how they can be distorted.

Mr. JACKSON. You should see some of mine.

Mr. KAPLAN. Boy, I have.

Mr. JACKSON. Do you have any further questions, Mr. Tavenner?

Mr. TAVENNER. No.

Mr. DOYLE. Let me make one statement. You evidently have a considered and final opinion of me as a member of this committee; you have just stated it. Therefore, I will just conclude that, naturally, anything I would say to you would be surplusage and wouldn't be believed, so I am just sorry.

Mr. KAPLAN. May I say this, Mr. Doyle——

Mr. DOYLE. I am very, very sorry.

Mr. KAPLAN. I would believe you if you could produce for me this evidence, this secret evidence, whatever it is, because I think it is phony.

Mr. DOYLE. We are investigating——

Mr. KAPLAN. Produce this witness for me here and now. Name him. I dare you to name this witness.

Mr. JACKSON. If you want to produce the witness in court, simply say no, you have never been a member of the Communist Party, and you will have an opportunity to examine him and so will your counsel.

Mr. KAPLAN. I would know better than to answer that. I don't believe you are a lawyer—I believe you are the only member of this committee who is not a lawyer. In any case, let me point out to you that the trick that you would love to pull is to get everybody as they come up, either for contempt or perjury if they didn't——

Mr. JACKSON. If we wanted to get anyone for contempt, I think we would have had ample opportunity to do it on a number of occasions.

Mr. KAPLAN. If you want to get perjury——

Mr. JACKSON. We will start with the people who would deny they are Communists, when in fact our information shows they are. That would be the logical starting point.

Mr. KAPLAN. Why don't you produce this witness? Why don't you produce this Mr. X, this witness? You haven't got any, that is why.

Mr. JACKSON. Do you have any further questions?

Mr. TAVENNER. No.

Mr. JACKSON. The witness is excused.

Mr. KAPLAN. You stated you would allow me to answer the question.

Mr. JACKSON. I think after taking the abuse for this long the committee has——

Mr. KAPLAN. What about the abuse I got?

Mr. JACKSON. We are just about even on abuse, I am afraid.

Mr. KAPLAN. I am going to get further abuse, Mr. Jackson.

Mr. JACKSON. You are excused now.

Mr. KAPLAN. I can hardly say thanks to you.

Mr. JACKSON. I don't expect your thanks.

Mr. KAPLAN. You will never get it.

Mr. JACKSON. Would this be a good time to take a short break, Mr. Tavenner?

Mr. TAVENNER. Yes, I think so.

Mr. JACKSON. The committee will take a break for 10 minutes, until 25 minutes of 4.

(Whereupon, a recess was taken from 3:10 p. m. to 3:35 p. m.)

Whereupon, at 3:35 p. m., the proceedings were resumed, with Representatives Donald L. Jackson and Clyde Doyle present.)

Mr. TAVENNER. Mr. Chairman, may I inquire to see if Matilda Lewis is in the hearing room?

Mr. JACKSON. Is Matilda Lewis in the hearing room?

(No response.)

Mr. TAVENNER. Then I would like to call Daniel McCombe.

Mr. JACKSON. Will you raise your right hand, please?

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McCOMBE. I do.

Mr. JACKSON. Be seated, please.

TESTIMONY OF DAN McCOMBE, ACCOMPANIED BY HIS COUNSEL. WILLIAM B. ESTERMAN AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, sir?

Mr. McCOMBE. Dan McCombe.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. McCOMBE. Yes.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. MARSHALL. Daniel G. Marshall.

Mr. ESTERMAN. William B. Esterman.

Mr. TAVENNER. Where do you reside, Mr. McCombe?

Mr. McCOMBE. Los Angeles County.

Mr. TAVENNER. When and where were you born?

Mr. McCOMBE. United States of America, 1906.

Mr. TAVENNER. Where in the United States?

Mr. McCOMBE. State of Kansas.

Mr. TAVENNER. How long have you resided in Los Angeles?

Mr. McCOMBE. Since 1931.

Mr. TAVENNER. Where did you live in 1947?

Mr. McCOMBE. Los Angeles County.

Mr. TAVENNER. Where in Los Angeles County?

Mr. McCOMBE. Mr. Chairman, in view of the fact that it has been publicized that witnesses' homes have been stoned, I don't see how this would do other than to aid and abet these terrorist organizations, if I gave my address.

Mr. JACKSON. Mr. McCombe, will you state the general vicinity of Los Angeles where you live, as a matter of completing the identification of you?

Mr. McCOMBE. I agree I am Dan McCombe. The subpoena was served on me, and the subpoena was for me. You gentlemen have my address, or you couldn't have sent me a subpoena.

Mr. TAVENNER. Is it the address, or was your address in 1947 the address that now appears on your subpoena?

Mr. McCOMBE. That is correct, sir.

Mr. TAVENNER. That will be sufficient for my purposes.

Mr. JACKSON. Very well.

Mr. TAVENNER. What is your occupation, Mr. McCombe?

Mr. McCOMBE. Well, I have had many occupations.

Mr. TAVENNER. What has been your occupation in the last few years?

Mr. McCOMBE. How many years, sir?

Mr. TAVENNER. Two or three years.

Mr. McCOMBE. Last 2 or 3 years I have been a barber.

Mr. TAVENNER. Mr. McCombe, the committee is in possession of information which, if correct, would indicate that you have a knowledge of matters which the committee is investigating.

Before asking you specific questions relating to the extent of your knowledge, I would like to ask you whether or not you have been a member of the Communist Party in Los Angeles at any time since 1945.

(At this point Mr. McCombe conferred with Mr. Esterman and Mr. Marshall.)

Mr. McCOMBE. Mr. Chairman, gentlemen of the committee, I will refuse to answer the question on the following grounds: In the first place, there is a question of free speech involved, because all of my adult life I have been what is referred to as a militant trade unionist or left wing, if you please, an active organizer and an elected representative of trade unions.

Recognized if, for instance, working people in some cases are a bit inarticulate, they have every right to organize and elect their representatives to bargain either with the Government or with the employer.

Mr. JACKSON. Speak just a little louder, please, Mr. McCombe.

Mr. McCOMBE. Thank you. I am confident and feel sure that this is an infringement of this right. The only purpose I can see that would come of getting a man like me down, that is, react against the idea of trade unions and destruction of trade unions, which is an infringement of this right which is guaranteed by the first amendment of the Constitution.

I think we had a little example of that right here today. I wish to express my appreciation to the members of the working press and the citizens assembled, who saw fit to insist we have a public hearing. I think it is easy to see that even with our constitutional guarantees, unless we as citizens insist before any body that these guarantees be recognized and observed, that we won't have a democratic America very long.

Furthermore, I have the guaranteed right. No one can legally force me to bear witness against myself. This is in the Constitution. I have the greatest respect for it and I insist as a citizen for my protection, for the protection of all trade unions or anyone who might even see fit to disagree with the Congress or disagree with this committee that they have that right to disagree and cannot legally be forced to bear witness against themselves. And I avail myself the guarantees of the fifth amendment.

Mr. JACKSON. Does that conclude your reasons, Mr. McCombe?

Mr. McCOMBE. Yes.

Mr. JACKSON. Any questions, Mr. Tavenner?

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. JACKSON. Mr. Doyle?

Mr. DOYLE. No questions.

Mr. JACKSON. I want to refute the claim that you have been called here because you are in any way connected with organized labor, or that you are an organizer or anything having to do with your official capacity.

You were called, instead, as Mr. Tavenner told you, because it was felt that you might have information which would be of assistance to this committee in attempting to do the job assigned to it by the Congress. It has nothing to do with your relationship to organized labor.

Is there any reason why this witness should not be excused?

Mr. TAVENNER. May I ask this question, in light of the chairman's statement?

I would like to follow it up by stating that as far as the committee is concerned, and I am concerned, we are not asking you any questions regarding organized labor, and if under those circumstances you will tell us what you know about the Communist Party we would be glad to hear it, again on my promise that I will ask you no questions about organized labor.

Under those circumstances are you willing to proceed?

(At this point Mr. McCombe conferred with Mr. Esterman and Mr. Marshall.)

Mr. McCOMBE. I don't wish to enter into any deal.

Mr. TAVENNER. Will you speak a little louder?

Mr. McCOMBE. I don't wish to enter into any deal or bargain with the committee.

Mr. TAVENNER. Then your statement that it was because of organized labor that you would not answer the questions has absolutely nothing to do with your refusal to answer the question?

Mr. McCOMBE. I want to say something—

Mr. ESTERMAN. Don't say it.

Mr. McCOMBE. This is a serious matter. It puzzles me, because just yesterday I read what was purported to be the report of J. Edgar Hoover in the press, which stated that there are 30,000 Communists in the United States, and I presume that this is correct.

Mr. Hoover reported that there are 30,000 Communists in the United States. Now, are you gentlemen making a point that our strong United States of more than 150 million population is endangered by this 30,000 men and women who are members of the Communist Party?

Rather, I think it is something else that you are operating on. I think that you are afraid—I think you are acting against the 15 million trade unionists and that this is your method of doing it.

Mr. JACKSON. I can assure you that is not the case, sir. We are not acting against any trade union. But as far as the point of numbers is concerned, it is well to understand that less than 1½ percent of the people of Czechoslovakia were members of the Communist Party, yet that nation was overthrown by those Communists. So you see it is not a point of numbers.

Mr. McCOMBE. Then am I to believe that these 30,000 Communists, in view of the fact that in France and in Italy the Communist Party will be the biggest single party in one of those countries, respectively?

Mr. TAVENNER. Not now.

Mr. McCOMBE. That you are frightened of the 30,000 Communists. You must have another reason.

Mr. TAVENNER. Regardless of what your views may be on the subject, will you return now to my question? Will you answer my question?

Mr. McCOMBE. I am sorry; I didn't get it.

Mr. TAVENNER. Will you read the question?

(Question read.)

Mr. TAVENNER. Will you answer the question?

(At this point Mr. McCombe conferred with Mr. Esterman and Mr. Marshall.)

Mr. ESTERMAN. Is that the question?

Mr. TAVENNER. That is the question.

Mr. JACKSON. That is the question.

Mr. TAVENNER. I made a statement after that, but that is the question.

Mr. McCOMBE. With all due respect to the committee, I don't wish to enter into any deal or any sort of bargaining with the committee. I just prefer to be treated as any witness without stipulation.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. Any question, Mr. Doyle?

Mr. DOYLE. I think as long as the witness has referred to a statement by J. Edgar Hoover, I should bring out that I have that statement right here. I have the statement that you referred to, I am sure. And J. Edgar Hoover, of course, is the FBI Director of our Nation, and I assume that no matter what your opinion is of the seriousness of the communistic subversive threat in this country, that anyone with an open mind would figure that J. Edgar Hoover pretty well knew what he was talking about.

Therefore, let me read you just one paragraph:

FBI Director J. Edgar Hoover has told Congress that Communists are infiltrating every field of American activity and enemy espionage rings are working more intensively than ever before in United States history.

Hoover issued these warnings in testimony, published today, before a House Appropriations Subcommittee. The Director asked that FBI operative funds be boosted by \$6,700,000 to \$7,000,000 for the fiscal year starting July 1.

He explained that the request for more money was due almost exclusively to mounting responsibility on the part of the FBI to safeguard the internal security.

Hoover said—

I will say to this committee that the enemy espionage rings are more intensively operated today than they have ever been at any time, any previous time in the history of our country.

As long as you, Mr. Witness, have said 30,000, let us get Mr. Hoover's accurate figures.

"As a result," Mr. Hoover said—

the party has only 24,796 actual members who are the hard core of fanatics of the drive for world revolution. He estimated that 50 percent of them are concentrated in the New York area. A year ago he estimated these hard core Reds at 31,608.

Despite this numerical loss, Hoover said the Communists are as great a menace as ever.

I thought, Mr. Chairman, the record should have probably the statement that this witness referred to as being made by Mr. Hoover.

MR. JACKSON. It is so admitted.

Do you have any more questions, Mr. Doyle?

MR. DOYLE. No more questions.

MR. JACKSON. Mr. Tavenner?

MR. TAVENNER. I have nothing further.

MR. JACKSON. Is there any reason why this witness should not be excused?

MR. TAVENNER. No.

MR. JACKSON. The witness is excused.

(The following telegram was received on April 9, 1953, and by order of the chairman, is being included in the record of these hearings:)

SANTA MONICA, April 9, 1953.

FRANK S. TAVENNER, JR.,

Attorney, House Un-American Activities Committee,

House of Representatives, Washington, D. C.

In testimony before the House Un-American Activities Committee members, March 27, 1953, in Los Angeles, reference was made to a person identified only as Joe Adams. For purposes of clarifying the record, I request it be known that I, Joseph Edward Adams, professionally known as Joe Adams, disc jockey, commercial announcer of Los Angeles, have never been affiliated with any subversive group of any kind in any way, nor am I now so affiliated. I have never attended any Communist Party meetings nor have I ever knowingly associated with any member of the Communist Party, or any person in sympathy with Communist Party objectives.

JOSEPH EDWARD ADAMS,

5083½ West 21st Street, Los Angeles, Calif.

MR. JACKSON. Has Matilda Lewis come into the hearing room?

(No response.)

MR. JACKSON. Evidently she has not arrived.

MR. COUNSEL, do you have any further witnesses at this time?

MR. TAVENNER. No, sir; I do not.

MR. JACKSON. At this time the subcommittee will adjourn, and we want to again thank the press, radio, and television of Los Angeles for the excellent coverage of the hearing.

I thank the audience, both here in the hearing room on the various days of the hearings and those who watched and listened to the proceedings through southern California.

We again express our thanks to the United States marshal, Mr. Boyle and Mr. Stilwell, their deputies and all of the employees of the Federal Building for their fine work and cooperation with the committee.

The subcommittee stands in adjournment.

(Whereupon, at 4 p. m., Wednesday, April 8, 1953, the hearing was adjourned.)

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